

## MEMORANDUM

August 25, 2020

To: Members of the Board of Visitors

From: James E. Ryan, President  
Liz Magill, Provost  
K. Craig Kent, EVP for Health Affairs  
J.J. Davis, EVP and Chief Operating Officer  
John Jeffries, David and Mary Harrison Distinguished Professor of Law; Senior Vice President for Advancement

Re: Racial Equity Task Force and Historic Landscape

### INTRODUCTION

In early June, in the wake of the killing of George Floyd and others at the hands of police, President Ryan formed a Racial Equity Task Force made up of Kevin McDonald, our Vice President for Diversity, Equity, Inclusion, and Community Partnerships; Ian Solomon, the Dean of the Batten School of Leadership and Public Policy; and Barbara Brown Wilson, a faculty member in the School of Architecture and the faculty director of The Equity Center.

President Ryan asked the group to convene with students, faculty, and staff to gather together the recent and past list of recommendations, suggestions, and demands regarding racial equity at UVA—and to solicit others—and to send him a concrete and prioritized set of recommendations about the best steps forward, including actions that can be implemented right away. Over the next two months, the Task Force worked diligently to compile the many recommendations, demands, and suggestions about racial equity that have been made over many years by numerous groups. In addition, they solicited input from a wide group of stakeholders, including students, staff, faculty, alumni, Charlottesville community members, and existing groups such as the President's Commissions concerning Slavery and Segregation at the University, the Office of African-American Affairs, the Carter G. Woodson Institute for African-American and African Studies, minority student organizations, Faculty and Staff Senates, Alumni Association Leadership, the Black Alumni Initiative, and others. All told, they met with hundreds of stakeholders across the University and received letters and submissions from over 1000 contributors.

While the Task Force's work was underway, Provost Liz Magill and President Ryan spoke with each member of the Board of Visitors about this work in order to understand your thinking on these issues and seek your input on how we should proceed. We heard a range of opinions, but the general consensus was that the Board wanted us to be action-oriented and bold. Many of you

pointed out that we have one shot to get this right and emphasized the importance of acting swiftly. We are encouraged by your support and by your willingness to address these critical issues head on.

In this memo, we offer recommendations about how we should proceed, which both reflect the [Racial Equity Task Force report](#) and build upon it. As always, we'd welcome input from any of you between now and the September Board meeting, and we look forward to discussing all of this with you then.

## **RACIAL EQUITY TASK FORCE REPORT**

As you know, the Racial Equity Task Force's report recommends a number of initiatives to help "create a more welcoming climate, [offer] greater investment in relevant education and scholarship, [demonstrate] a community-wide commitment to healing and repairing a painful history, and, ultimately, [ensure] equal access and success." We are grateful for the work of the Task Force, especially given the serious time constraints under which they worked. Despite those constraints, the Task Force was able to reach out to over 300 members of our community and received letters and submissions from over 1000 contributors. They also assembled decades of reports, demands, petitions, and suggestions. They listened, synthesized, and organized this information to arrive at their recommendations.

Some will read the report and believe it asks too much; others may think it doesn't go far enough. Some may bristle at its critiques; others may think it holds back too much. We see the report as a call for us to be the best version of ourselves—to live out our stated commitments to diversity, inclusion, and equity—racial equity in particular. As a university, we firmly believe we will be stronger and better—both great and good—if we are a more diverse, inclusive, and equitable university and in particular a more *racially* equitable university, as the report describes. The report offers many suggestions about how to get there and recognizes that this work will take time and resources. It also recognizes that much of this work has already begun, and that most of the initiatives are reflected in the 2030 strategic plan. The report's main recommendations, at least at a general level, are largely about accelerating and elevating work to which we are already committed. Their recommendations also sharpen some of the goals within the strategic plan.

It may also be worth pointing out that some may view the recommendations below as reactive to this particular moment in time. We do not feel that way. Instead, we see these recommendations as continuing the work that the University has been engaged with over decades. Calls for change, understandably, focus primarily on the work ahead with scant regard of what has come before. But we ought to pause, acknowledge, and give thanks to the work that has already been done, as well as give thanks and credit to the university leaders, board members, faculty, staff, and students who preceded us and who were devoted to and passionate about this work. This is obviously a different university than it was 200 years ago. But perhaps less obviously, at least to those who are recently acquainted with the University, it is a much different—and better—place than it was 30 or 20 or 10 years ago. We would do a disservice to those who have been working

hard to create a more diverse, inclusive, and equitable university if we did not begin with that recognition.

In my short time as President, we have tried to build upon the work of those who came before us. All of this work, it bears noting, rests on the firm belief that becoming a more diverse, welcoming, and equitable place is both the right and smart thing to do. That is to say, it is both a moral and strategic imperative to be a place where those who are here and those who may wish to join us feel: yes, this is a place where, regardless of my background or identity, I will not just belong but thrive.

For that reason, over the last two years, we have, among other things, guaranteed free tuition to students from families in Virginia earning less than \$80,000 a year and free tuition, room, and board to those earning less than \$30,000 a year; provided a living wage for our employees and for most contract workers; hired outstanding new leaders in the athletics departments and schools who have both enhanced our leadership team and increased our diversity; helped launch and fund the Equity Center, which is devoted to working with the community to address racial and economic inequities; recruited the most racially and socioeconomically diverse class in the history of UVA, including increasing our first-generation students increased by two percentage points in a year, from 11% of the class to 13%; changed University policy to enable us to provide financial aid to in-state DACA students; and changed University policy to allow for the enrollment of all students, regardless of citizenship status.

We have also continued to work on changes to the historic landscape of UVA, including naming a new dorm after Julian Bond; changing Barringer Hall to the Francis Collins Hall; commissioning portraits and photos of change agents; developing new markers to commemorate moments and agents of change at UVA; developing a new audio tour of Grounds that will tell a more complete version of our history; changing Ruffner Hall to Ridley Hall; completing the funding for and construction of the Memorial to Enslaved Laborers; hiring a genealogist to help identify enslaved laborers and their descendants, and recently extending her contract.

We have launched both the President's Council on University-Community partnerships and the President's Commission on the University in the Age of Segregation; identified UVA and UVA Foundation land that can be used to build affordable housing and pledged to contribute 1,000-1,500 new units over the next decade; provided funding to create new spaces for the Multicultural Student Center, the LGBTQ center, LatinX center, and Interfaith Center; secured, through the Jefferson Scholars Foundation, a \$100M gift, matched with University funding, that will be used to provide full scholarships for first generation students.

There is of course more work to be done. That will always be true for institutions that constantly aspire to improve. To identify the work ahead should not be read to denigrate the work achieved or to suggest it was easy or ineffective. We should not simply acknowledge but applaud those who came before us for their efforts. At the same time, we should be humble about the work ahead, recognizing that it may be imperfect, but it is nonetheless critical.

## RECOMMENDATIONS

As a way of moving forward and continuing this work, we would recommend that we focus our efforts and resources in the coming years on supporting the initiatives identified in the report that are aimed at diversifying our students, faculty, and staff, and on those aimed at programming and policies (or the revision of policies) that will help us create a more inclusive and equitable community. In approaching this work, we should stay focused on the overall goal, and not think of this as a box-checking exercise. To be sure, this work is about people, programs, policies, and funding, but it's also about culture. The ultimate aim is to be a community where all have a chance to succeed, to grow, and to lead—a community, as the report describes, “where people of any racial background have an equal probability of thriving.”

It is also important to recognize, as the Task Force report does, that most of the initiatives recommended in the report correspond with the goals of the 2030 strategic plan. In many ways, the report elevates and sharpens some of those goals, and to pursue the initiatives in the report is to pursue—in some instances in a more focused and bolder way—the goals of the strategic plan, which was just adopted a little over a year ago and imagines a ten-year horizon. In other words, we see the initiatives recommended by the Task Force as being in harmony with and furthering the goals of the strategic plan rather than pointing in an entirely different direction.

With all of that said, we would propose the following, which reflects and builds upon the Task Force Report.

### Faculty

- Endorse the goal of doubling the number of underrepresented faculty by 2030. President Ryan will work with the Provost and deans over the coming months to identify the best strategies for doing so.
- The Provost, in consultation with the Deans and the leaders of the faculty senate, will oversee a review of our tenure and promotion process.

### Students

- Endorse the goal of having a student population that better reflects the racial and socioeconomic demographics of Virginia and of the nation. The Provost will work with our new Vice Provost for Enrollment and our Dean of Admissions to come up with a plan and a strategy—as well as a time horizon—to meet this goal.
- Because we are prohibited by law, as a public university, from directly funding race-based scholarships, we will work with the Alumni Association, the Ridley Scholars Board, and the leadership of the Descendants of Enslaved Laborers to raise funds for scholarships for the descendants of enslaved laborers. Although this is not in the report, we would also suggest that our admissions office consider an applicant's status as a descendant of enslaved laborers at UVA as a plus-factor in admissions.

## **Staff**

- The Chief Operating Officer will work with relevant partners, including the Provost's office, deans, and the President's Council on University-Community partnerships, to review our policies regarding staff hiring, wages, retention, promotion, and procurement in order to ensure equity, and racial equity in particular, across all of these areas.

## **Programs**

- President Ryan will work with Kevin McDonald, our Vice President for Diversity, Equity, and Inclusion, and Community Partnerships, to ensure that his division has sufficient resources to do their work, and in fact, we have begun that process already.
- Vice President McDonald and Dean Ian Baucom will partner, and work with the Provost's office, other deans, the Student Affairs Office, Human Resources, and department heads to develop a series of educational programs around racial equity and anti-racism. They will also work with university leadership to create and implement leadership development programs focused on equity and racial equity in particular.
- Endow the key programmatic elements of the Carter Woodson Institute (including their pre-doctoral and post-doctoral programs) and provide funding, either directly or through matching funds to secure philanthropy, to create more faculty positions.
- Explore either creating a new tribal liaison position or assigning someone to take on that role. Also explore, with Advancement and Dean Baucom, raising funds for a Center for Native American and Indigenous Studies.

## **University Police Department**

- Under the leadership of our Associate Vice President for Safety and Security and Chief of Police, Tim Longo, the University Police Department (UPD) is in the process of launching several initiatives to ensure fair, equitable, and transparent practices. UPD is conducting a thorough review of policies to ensure they reflect 21<sup>st</sup> century policing principles and will leverage faculty expertise to create a training curriculum for officers that addresses the evolving role of law enforcement in serving the communities they protect.
- Other initiatives include forming a Department of Safety and Security Advisory Council of students, faculty, staff, and community members; establishing a new position for an Equity, Diversity and Inclusion Manager to assist with recruitment, selection, training, policy development and student/community engagement; initiating an in-car camera program to enhance police accountability and transparency; and developing a robust data and reporting system that will enhance the department's ability to capture, track, analyze

and report on metrics that measure compliance with Constitutional standards, best practices, and University values.

### **Timeline, Funding, and Metrics**

- Working with leaders across the University, including the Provost, deans, the COO, the EVP for Health Affairs, the Senior VP and VP for Advancement, over the next several months we would develop a specific plan for identifying the resources we can devote to these areas and a plan for allocating them, including identifying which of these resources should be used for matching philanthropic gifts.
- Working within the parameters approved by the Board last December, we will dedicate Strategic Investment Funds to fund these initiatives, which align well with the four core pillars of our strategic plan: to strengthen our foundation, cultivate the most vibrant community in higher education, enable discoveries that enrich and improve lives, and make UVA synonymous with service. Moving this work forward will require significant investments over time—how much, exactly, is impossible to say at this point absent a more refined plan for investments in faculty lines and chairs, post-doc programs, student scholarships, and programming. We are also in an extremely challenging moment financially, and an uncertain one. What we can commit to is to marshal the resources we have and need to make these efforts successful, and to make these efforts a central part of our ten-year strategic plan.
- Provost Magill and Vice President McDonald will work with relevant partners to create a system of metrics and assessment to identify our goals around racial equity and to mark our progress, as a way of ensuring transparency and accountability.

### **HISTORIC LANDSCAPE**

The country is undergoing a reexamination of its past and questioning the celebration of a number of historical figures, especially those who fought for or led the Confederacy. Close to home, Albemarle County recently voted to remove a Confederate statue from Court Square and has renamed schools. Governor Northam has called for renaming public schools that are currently named in honor of Confederate leaders. Leaders in the U.S. military are also considering changing the names of bases named after Confederate soldiers and leaders. This reexamination is happening at universities as well, including nearby James Madison University and the University of North Carolina, which recently removed the names from three dorms that had honored those who promoted racism and white supremacy.

Over the last several years, UVA, too—with the leadership and partnership of the Board—has altered the historic landscape of our Grounds through changes and additions. UVA has changed the names of several buildings, including Lewis House, Jordan Hall, Barringer Wing, and most recently Ruffner Hall. In addition, as you know, the University has removed Confederate War Memorial plaques from the Rotunda; built the Memorial to Enslaved Laborers; named one of our new residence halls, Gibbons House, for a formerly enslaved couple at UVA; and most recently

named an upper-class residence hall on Brandon Avenue for civil-rights champion and former UVA professor Julian Bond.

This current and ongoing conversation, in our view, is healthy, as ultimately the discussion about whom universities wish to celebrate is a discussion about the aspirations and identity of universities today.

At the same time, the conversation can be painful, as it often requires reckoning with uncomfortable moments from the past. And it can be emotional, as names of buildings take on meanings separate and apart from their namesakes and become a part of the remembered landscape of alumni, who may know nothing about William H. Ruffner, but have fond memories of hours spent in Ruffner Hall. The prospect of renaming is also alarming to some who question whether stepping away from Confederate soldiers or leaders inevitably means denouncing this nation's founders—or the University's founder, Thomas Jefferson.

Our view is that the University of Virginia should continue not just to examine the historic landscape of the Grounds but to renew it, both now and for the future. But we also believe that the central founders of this country deserve our continued recognition and regard not because they were without flaws or sin, but because they helped form the union that we are still trying to perfect. In our case, this is especially true of Thomas Jefferson, who not only helped form the union but founded our University, which we are also still trying to perfect.

In this regard, we cannot improve on the views of historian Annette Gordon-Reed, a leading authority on Jefferson and Sally Hemmings, and the Pulitzer-Prize winning author of *The Hemingses of Monticello: An American Family*. Professor Gordon-Reed had this to say in a recent interview:

There is an important difference between helping to create the United States and trying to destroy it. Both Washington and Jefferson were critical to the formation of the country and to the shaping of it in its early years. They are both excellent candidates for the kind of contextualization you alluded to. The Confederate statues were put up when they were put up [not immediately after the war but largely during periods of civil rights tension in the 20th century], to send a message about white supremacy, and to sentimentalize people who had actively fought to preserve the system of slavery. No one puts a monument up to Washington or Jefferson to promote slavery. The monuments go up because, without Washington, there likely would not have been an American nation. They put up monuments to T.J. because of the Declaration of Independence, which every group has used to make their place in American society. Or they go up because of T.J.'s views on separation of church and state and other values that we hold dear. I think on these two, Washington and Jefferson, in particular, you take the bitter with sweet. The main duty is not to hide the bitter parts.

As with all historical figures, including those who are honored for their enduring accomplishments, ideas, or contributions, we should not shy away from telling their whole

stories—telling the bitter with the sweet and following the truth, wherever it might lead.

Over the last several years, there have been a number of excellent suggestions regarding how to deal with our historic landscape generally and with (re)naming in particular, including those from a committee co-led by former UVA President John Casteen and Professor Claudrena Harold, and from the President’s Commission on the University in the Age of Segregation. We also have a current naming policy. In an effort to tie those suggestions together and to present a clear path forward, we propose that we adopt the following three principles and modifications to our current naming policy in order to help guide naming and renaming, as well as the handling of memorials and statues, which have thus far not been a part of any university policy per se:

1. Once the time period for a name on a building expires, we should be open to renaming that building to honor a worthy recipient. Our current naming policy indicates that honorific names should be part of a building for 25 years, and that donor-related names should adorn a building for 75 years. Once that period is over, the policy continues, we “may” rename the building, but we are not required to do so. Over the years, it seems an implicit presumption has developed that renaming—even after the time period is over—should be exceptional. For that reason, in order to rename a building, it was thought that the person whose name was on the building needed first to be shown to be unworthy of continued recognition.

We believe there is a better, more productive, and more unifying way to approach the issue of renaming, which involves the simple but important step of abandoning the implicit presumption against renaming—especially with respect to honorific names. Instead of having to sit in judgment of those in the past and retaining the names only of those who are currently deemed more good than bad, we should invite the continuous renewal of our Grounds that can and should occur when the time period for honoring someone expires. In our view, at that point, the question should not be: should this person’s name come down because we, today, feel confident that this person is no longer worthy of the honor? Instead, the question should be: is there someone else, at this point, whom we would like to recognize and honor?

In approaching renaming this way, it ought to allow us to expand our history and tell a more complete story, one that—like history itself—is always unfolding. In this respect, we are fortunate to have many in our community, past and present, who are worthy of honoring, and we should look for opportunities to do so.

At the same time, re-namings should never be automatic, and the Board should retain the final discretion on whether to retain a name beyond the time period, which may be especially important in order to respect prior gift agreements. We also recognize that not all naming decisions are the same. The decision to change a school’s name, for example, is more momentous than the decision to change a building name, and may call us to undertake additional steps in the process, as we did in the case of the recent [request](#) from the Curry School. In general, purely honorific names may be more readily reconsidered after the passage of time than those that commemorate major philanthropy.

We recommend that in this effort we strive to honor those who have served the University, and those connected to the University who have served their communities, the country, and/or the world. We should also continue to invite and very much welcome philanthropic namings, as these present an opportunity to show gratitude to philanthropic support.

2. That said, and just as important: Our built environment should not celebrate the Confederacy or honor those whose primary legacy was to promote or protect slavery or dissolve our country. Nor should that environment promote the myth of the Lost Cause or those whose primary legacy was to promote white supremacy through exclusion, discrimination, or the promotion of eugenics. We can and should empathize, as best we can, and we should remember. We should also be humble about the past and about those who occupied it. But as we move forward, and seek to create a University that is visibly welcoming to all students and that inspires them to live up to our highest ideals, we should seek to celebrate, unabashedly, those who represent our values and our aspirations—not out of arrogance, but out of the recognition that each generation ought to have the freedom to choose whom it celebrates and honors. By respecting the time period for naming, we also ensure that our successors will be no more bound by our choices than we should be bound by those who preceded us.
3. We should meticulously record our history by making available, digitally and/or on-site, a full biography of each previous namesake of a building. In this way, we can both confront and continue to learn from our history and make it as clear as possible that renaming a building, or relocating, rededicating, or contextualizing a memorial or statue is not about “erasing” history. It’s about making a choice as to whom to celebrate, a choice that necessarily is about values and aspirations, no more and no less than the original naming was a choice about values and aspirations.

In order to implement these principles, we propose that we reconstitute the current committee on naming and create a new committee on naming and memorials, which will include representatives from our faculty, advancement, staff, students, alumni (recommended by the Alumni Association), and the Board (recommended by the Rector). The charge would include the following:

1. Continue to entertain and evaluate requests for new names to be added to buildings, consistent with current policy and the principles above.
2. Entertain and evaluate requests from the relevant University leaders for renaming buildings consistent with the principles articulated above. Make recommendations to the President, which he can then evaluate and forward to the Board for final approval.
3. Entertain and evaluate requests for relocating, rededicating, or contextualizing statues and memorials, consistent with the principles articulated above.

4. Immediately evaluate forthcoming requests for renaming Alderman Library and Maury Hall, and invite proposals for renaming consistent with the principles articulated above. We do not recommend that the Board take immediate action on these additional, forthcoming naming requests prior to consideration by the naming and memorial committee, both because community input with respect to alternative names is needed, and because we believe the newly reconstituted committee on naming and memorials should have a chance to consider alternative names before they go to the Board.

We would also propose that the Board take action at the September board meeting on the following:

1. Approve the pending [recommendation](#) to rename the Curry School of Education and Human Development, allowing it to revert to the University of Virginia School of Education and Human Development. We would also suggest that the Board make clear that we would welcome the opportunity, in the future, to honor a philanthropic supporter and/or someone who embodies the highest aspirations of the School.
2. With the help of historians at UVA and Monticello, authorize work to contextualize the Jefferson Statue in front of the Rotunda in order to tell the fuller story (the bitter and the sweet) of Jefferson. This has been a long-standing request from numerous members of our community, and it was also discussed favorably by the Board in 2017.
3. Approve the removal of the George Rogers Clark statue, and instigate a process, which includes consultation with Indigenous leaders, to determine a suitable place for the statue off Grounds. We propose this because statues (contrary to building names) have not been governed by our current naming policy and are therefore currently within the purview of the Board to act upon, and because relocation of this statue is consistent with the principles articulated above, as described in a brief summary by Professor Louis Nelson (Appendix A) and in [this article in UVA Today](#) by UVA history professor Christian McMillen.
4. Similarly, approve the rededication (if possible) or removal (if rededication is not possible) of the Whispering Wall, which is a Confederate memorial. Request that the committee on naming and memorials consider whether rededication or removal is appropriate and provide a final recommendation.
5. Approve the request for removing the name Withers from Withers-Brown Hall at the Law School, for the reasons ably explained in the recommendation to do so (Appendix B), and given the unanimous recommendation from the current naming committee (Appendix C).

Finally, we would recommend that we continue our [efforts](#), already underway, to add to the historic landscape by installing markers, commissioning and hanging portraits, and developing

digital tours that celebrate our full history and those who worked to make the University better and more inclusive.

## **CONCLUSION**

Our apologies for the long memo, but there is a lot to cover. As mentioned earlier, we believe this moment offers us a unique opportunity to take actions that will leave a lasting, positive impact on the University we all love, and we look forward to partnering with the Board of Visitors to make progress. As also mentioned, and to make this as straightforward as possible, most of the proposals in this memo do not require and Board action, but we would nonetheless welcome your endorsement of them. The only actions requiring a Board vote are the five requests, above, related to changes to the historic landscape of the Grounds.

All that said, and as always, we welcome your thoughts, reactions, and ideas on any or all of this, and we look forward to the discussion at the September meeting.

## Supporting Materials:

### Appendix A: UVA's George Rogers Clark Monument, by Professor Louis Nelson

#### UVA's George Rogers Clark Monument A brief summary by Professor Louis Nelson

George Rogers Clark—brother to William Clark of Lewis and Clark fame—gained recognition for his military engagement in the centuries-long struggle between the French, British, Native Americans and eventually the Americans for control over the Ohio Country, then called “the Northwest.” His military reputation was built on a series of campaigns against British forts in the late 1770s, and his engagements—partly funded by his own finances—were believed by many in his day to have contributed to American claims over the territory, which was formally ceded to the US in the Treaty of Paris. As the highest ranking American military officer in the territory and as a result of his association with this territorial expansion he came to be called the “Conqueror of the Northwest.” But his legacy has been the subject of debate among historians in recent decades. After strong success in the 1770s, his reputation suffered in subsequent decades when he faced far fewer successes, was accused by his own men of drunkenness, and eventually resigned from military leadership. While earlier scholarship has long celebrated this son of Albemarle County as contributing to the expansion of US territory, more recent historians have questioned the strategic value of Clark’s military campaigns to the eventual transfer of land to the US.<sup>1</sup> They further point out that his military campaigns against Native Americans in the Northwest Indian War resulted in the mutiny of his own men, ended in a withdrawal and without any military victory over Native Americans, and had the ultimate result of escalated tensions and expanded loss of life.<sup>2</sup>

UVA’s George Rogers Clark Monument, installed in 1921, is a seven-figure composition that stands on a huge granite pedestal inscribed with Clark’s early nickname “Conqueror of the Northwest.” Clark on horseback faces a figural group of three Native Americans—a kneeling woman with a cradleboard, a crouching warrior, and a standing chief. Clark faces these three while gesturing to the three armed Militia men behind his horse. As described in the *Alumni News* at the unveiling, Clark is “explaining the futility of a resistance.”<sup>3</sup> When installed, this monument built upon a series of convictions about the natural supremacy of white Americans over non-whites, the early twentieth century romanticizing of Clark’s career, and mythologies about vanished and vanquished Indians, all carefully outlined by Christian McMillen in his recent piece in [UVAToday](#). As historians have made clear, Clark’s renown was founded on his early military engagements against the British and not his later engagements with Native Americans. Unfortunately, by conflating his nickname with a representation of engagements with Native Americans (over whom he saw little military success), the George Rogers Clark monument misrepresents Clark’s biography.

The monument is not only historically inaccurate it is also offensive. Clark offers to his Native American audience the opportunity of submission to white authority and the armed Militia behind him makes clear the consequence for noncompliance. In the early twentieth century, this reading was rafted on assumptions of the natural superiority of white Americans, a commitment that underscored the American doctrine of Manifest Destiny. But in our present moment, the monument sends the message that the university approves of the military conquest of white Americans over others, it reinforces long-standing assumptions of white superiority, and it infers that UVA is a white institution with no space for Native Americans. For this reason,

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<sup>1</sup> James Fisher, “A Forgotten Hero Remembered, Revered, and Revised: The Legacy and Ordeal of George Rogers Clark,” *Indiana Magazine of History* 92:2 (1996), pp. 109-132

<sup>2</sup> Harrison, Lowell H., *George Rogers Clark and the War in the West* (2001).

<sup>3</sup> *Alumni News* 10 (1921): 326.

it has been a point of pain among Virginia's Indigenous Peoples for decades.<sup>4</sup> Building on previous petitions, the removal of the Clark monument is one of the critical recommendations listed in the recent report by the Racial Equity Task Force.<sup>5</sup>

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<sup>4</sup> Communicated to Louis Nelson in a meeting with Monacan tribal leader Karenne Wood, 10/28/2019.

<sup>5</sup> Bridget Starrs, "Local petition calls for U.Va. to remove George Rogers Clark status," *The Cavalier Daily* 8/2/2019.

## Appendix B: Recommendation to remove the name Withers from Withers-Brown Hall

Risa L. Goluboff

Dean | Arnold H. Leon Professor of Law | Professor of History



TO: University of Virginia Committee on Names  
FROM: Risa L. Goluboff, Dean, University of Virginia School of Law  
RE: Executive Summary on Withers Hall  
DATE: August 6, 2020

This memo summarizes the work and recommendations of an ad hoc committee I appointed to review the name of the Law School's Withers Hall and conveys my endorsement of its recommendation. Appended to this memo are the ad hoc committee's complete report, the research and report prepared by the committee's historical consultant, and a report of the community input we received regarding the Withers Hall name.

### Process

The [University's Naming Policies](#) require that naming or renaming of a University building, space, or academic unit be requested by a school's dean and approved by the University Committee on Names, the University President, and the Board of Visitors. In keeping with those policies, I charged an ad hoc committee comprised of UVA Law alumni, faculty, staff, and students, in collaboration with an historical consultant, to research the history of Henry Malcolm Withers, the namesake of the Law School's Withers Hall, as well as the history of the Withers Hall naming. I further charged the committee to share their research publicly and seek community input as to whether the Withers name should remain on or be removed from Withers Hall. Finally, I asked the committee to recommend whether I should request removal of the Withers name. The committee has now completed that process and unanimously recommended that I seek removal of Henry Withers's name from Withers Hall.

### Henry Malcolm Withers

Because a complete historical report is appended here, I summarize the findings only briefly.

Withers was born to a slave-holding family in Culpeper County, Virginia in 1845. From 1863 through the end of the Civil War, Mosby served in a Confederate Army calvary unit

commonly known as Mosby's Raiders, Mosby's Rangers, or Mosby's Men. The unit conducted irregular warfare. One of the many missions in which Withers participated was the lucrative ambush of a passenger train carrying Union paymasters, known as the Greenback Raid of 1864. After the war, Withers studied law at the University of Virginia from 1868 to 1870. In June 1870, Withers received a certificate of distinction in his classes. Withers left the Law School without receiving a Bachelor of Law degree, which was common at the time.

Withers moved to Kansas City, Missouri in 1870, where he spent most of his legal career in private practice, and invested in gold and silver mines and real estate. He also became involved in Kansas City's Democratic party and was elected city attorney for Kansas City. Withers held leadership roles in Missouri's Confederate veterans' organizations, which were closely linked with the state's Democratic party. He was a regular speaker at Confederate veterans' events, where—as late as October 1908—he glorified the Lost Cause and spoke about his belief in the inferiority of black Americans. When Withers died in December 1908, his obituaries in two local newspapers highlighted his service in the Confederate Army.

### **The Naming of Withers Hall**

In 1983, the estate of Lacy Withers Armour, Withers's daughter, pledged to donate \$3 million to the University of Virginia to establish a scholarship fund in her name. That endowment in honor of Lacy Withers Armour continues to distribute significant scholarship funds each year. In additional recognition of the Armour gift, the University named its "Phase I" law school building—built on North Grounds in 1974 but unnamed for almost a decade—Henry Malcolm Withers Hall and established Armour scholarships at both the Law School and the College. The University's Board of Visitors approved the naming of Withers Hall at their meeting on January 27, 1984. Today the building is commonly referred to as Withers-Brown Hall. Walter L. Brown Hall, a 1979 addition that joins Withers Hall, is not under consideration for renaming. If the Withers name is removed, both parts of what is currently Withers-Brown Hall will be referred to as Brown Hall until an appropriate replacement can be identified.

Some law students objected to the naming of Withers Hall. In letters published in the *Virginia Law Weekly*, members of the law school's Black Law Students Association expressed outrage at the decision to name a portion of the Law School after Withers.

### **Current Community Reaction to the Withers Hall Name**

The committee received more than 825 comments from the community via a [website](#) dedicated to the matter. UVA Law alumni submitted 86% of comments, with the remainder submitted by current UVA Law students, faculty, and staff. All comments are appended here. 84% of commenters advocated for the removal of the Withers name. A much smaller group—11%—thought the Withers name should remain in place. 1% of commenters specifically advocated that the building be renamed Armour Hall in honor of the donor. 4% of commenters did not offer opinions on the issue of removal.

In addition to the general input the committee sought, I personally contacted Mrs. Armour's grandson, Mr. Laurence Hearne Armour, who had negotiated the gift on behalf of the Lacy Withers Armour Charitable Trusts. Mr. Armour expressed his opposition to the change and asked that he be kept informed about the outcome of this process.

### **The Ad Hoc Committee's Recommendation**

After considering the historical materials and community input, the ad hoc committee unanimously recommends removal of Henry Withers's name. The committee contends in the attached report that Withers's legacy as one of Mosby's Raiders and his decades-long promotion of both the Lost Cause narrative and white supremacist ideals directly conflict with the University's mission and values. They marshal, as evidence, both the historical record provided and the opinions of UVA Law community members now and in 1985. Moreover, the committee found that Withers is, at best, a marginal figure in the University's history.

### **Recommendation**

I concur with the ad hoc committee's recommendation and that of the overwhelming majority of UVA Law community members who have offered feedback. Henry Withers is an obscure figure in the history of the Law School, the University, and the nation. While he led a successful life in Kansas City as a lawyer, businessman, and local politician, neither his achievements nor his ties to the University of Virginia rise to the level of significance that would typically warrant recognition by the Law School. Henry Withers's service as one of Mosby's Raiders was, according to both his own accounts and his obituaries, a defining feature of his life. He spoke proudly and unambivalently of his Confederate service—and the justness of the Confederate cause—more than 40 years after the Civil War. Moreover, the committee's recommendation is consistent with Governor Northam's exhortation to Commonwealth public school boards "to change school names and mascots that memorialize Confederate leaders or sympathizers" and with similar calls by Congress and the Joint Chiefs of Staff. Finally, the Law School will continue to honor Lacy Withers Armour's gift through her named scholarship endowment.

For all of these reasons, I agree with the committee that the Withers Hall name is inconsistent with the University's mission of supporting "a collaborative, diverse community bound together by distinctive foundational values of honor, integrity, trust, and respect" and with the principle articulated in the Naming Policies that the names of University spaces "should reflect our values as an academic institution." I respectfully request that the Committee on Naming consider whether Henry Withers's name be removed from Withers Hall.

**Appendix C: Recommendation from  
Committee on Names**



VICE PRESIDENT *for* ADVANCEMENT

August 11, 2020

President James E. Ryan  
PO Box 400881  
Charlottesville, VA 22904

President Ryan,

On August 6, 2020, Dean Risa Goluboff submitted a formal request to the Committee on Names to remove the name of Mr. Henry Withers from Withers-Brown Hall at the Law School. Appropriate due diligence is a key principle in the University's Policy on Names, and we commend the dean and the ad hoc committee that she charged for the depth of their research and their commitment to public feedback in the process. Attached to this letter is an executive summary summarizing the request and a more lengthy and detailed report has also been submitted to the University including the Law School's findings and the comments from their public comment period. The full report will be filed in the University's records.

After careful consideration, the University's Committee on Names has voted unanimously to support the dean's request. We agree with the dean and her committee that Mr. Withers primary legacy is not consistent with the values and mission of the University of Virginia.

President Ryan, if you decide to advance our recommendation to the Board of Visitors for their approval, we recommend that Dean Goluboff communicate the ultimate decision of the Board to Mr. Withers' family promptly after the resolution has been voted upon and before any University communication is distributed.

Sincerely,

Mark M. Luellen  
Vice President for Advancement  
Chair of the University of Virginia's Committee on Names

cc: Dean Risa Goluboff