



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 cavalry 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.