

THE  CADET  
Foundation

February 6, 2025

**Via U.S. Mail & Electronic Mail to each BOV member and the BOV Secretary**

Virginia Military Institute Board of Visitors  
201 Smith Hall  
Virginia Military Institute  
Lexington, Virginia 24450

Dear Members of the Virginia Military Institute Board of Visitors:

By this time, you all should be in receipt of the enclosed response to VMI dated this day. Whereas the most BOV members continue failing to acknowledge receipt of important correspondence from us and others we feel it prudent to follow up in this manner and expect these documents all be publically posted to the BOV website with the other public comments submitted and now posted.

We also bring to your attention a contract we received from the media today in regards to an official response they received from the VMI Director of communications to their questions regarding the permit for *The Cadet*.

We are informed VMI provided them a copy of its Permit, stated that "[t]here is a **standing permit** on file for cadets who want to participate in The Cadet," [emphasis added] and included the document that is clearly in dispute.

As our Feb. 6, 2025 response and VMI's own regulations make clear, the VMI version of the Permit the Institute continues seeking to unilaterally impose does not meet the criteria of a "Standing Permit" as defined in VMI's own regulations.

This constitutes yet another example of VMI's deceitful actions. In this instance however, that false information was provided to the media with the intent to have it published and so appears to be a clear violation of Virginia Code § 18.2-209. False publications. As such, it is a potential crime the BOV is obligated to investigate or have investigated by an objective party and report.

We also remind the BOV that the cadets and *The Cadet* Foundation are receiving legal counsel on this matter. Thus, a repeat of the Administration's past actions to call in the cadets or violate the protocols for coordinating these matters agreed to by all parties, including Brig. Gen. Clark on behalf of VMI, will raise this matter to a more serious level.

In closing, we remind the BOV we remain eager to resolve this matter through a Memorandum of Understanding between the Board of Visitors and *The Cadet* Foundation as well as a proper Permit for *The Cadet*.

Thank you and we look forward to working with you for the benefit of all parties and especially our cadets.



Robert C. Morris, Jr.  
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Enclosures: AS



19 December 2024

**Via Electronic Mail at VMI-BOV@vmi.edu**

Virginia Military Institute Board of Visitors  
201 Smith Hall  
Virginia Military Institute  
Lexington, Virginia 24450

**Re: Virginia Military Institute's Ongoing Efforts to Control *The Cadet***

Dear Members of the Board of Visitors:

We recently learned that Virginia Military Institute administrators are intensifying their efforts to control *The Cadet*. We are gravely concerned that VMI's efforts violate the First Amendment rights of *The Cadet* and the cadets who dedicate so much time and effort to publishing it. Thus, we call on you to take prompt action to ensure that *The Cadet* receives the permit from VMI administrators that it needs to operate without sacrificing the independence that is its hallmark. We also call on you to enter a memorandum of understanding with *The Cadet* through The Cadet Foundation that mirrors agreements you have with other non-profit organizations that serve cadets and alumni (e.g., the Alumni Association, the Keydet Club, the VMI Foundation, Peay Foundation) so the administration cannot persist in trying to control *The Cadet*.

As introduction, Alliance Defending Freedom is an alliance-building, nonprofit legal organization that advocates for people's right to live out their faith and speak freely. Since 2011, we have represented parties in 15 victories at the Supreme Court.<sup>1</sup> In 2018, *Empirical SCOTUS* ranked us first among "the top performing firms" litigating First Amendment cases.<sup>2</sup> ADF's Center for Academic Freedom is committed to protecting freedom of speech and association for students and teachers so that everyone can freely participate in the marketplace of ideas without fear of censorship. Since 2006, the Center has represented clients in over 400 litigation victories for First Amendment freedoms at public schools and universities nationwide.<sup>3</sup>

**FACTUAL SUMMARY**

As you know, *The Cadet* is one of Virginia's oldest independent college newspapers, dating back well over a century. It was not a cadet "club" but instead fiercely maintained and defended its independence, something VMI celebrated. During this

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<sup>1</sup> E.g., *303 Creative, LLC v. Elenis*, 600 U.S. 570 (2023); *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595 (2021); *Uzuegbunam v. Preczewski*, 592 U.S. 279 (2021); *March for Life Educ. & Def. Fund v. California*, 141 S. Ct. 192 (2020); *Thompson v. Hebdon*, 589 U.S. 1 (2019); *Nat'l Inst. of Family & Life Advocates v. Becerra*, 585 U.S. 755 (2018); *Masterpiece Cakeshop, Ltd. v. Colo. Civil Comm'n*, 584 U.S. 617 (2018); *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017); *Zubik v. Burwell*, 578 U.S. 403 (2016); *Reed v. Town of Gilbert*, 576 U.S. 155 (2015); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); *Town of Greece v. Galloway*, 572 U.S. 565 (2014); *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125 (2011).

<sup>2</sup> Adam Feldman, *Supreme Court All-Stars 2013-2017*, EMPIRICAL SCOTUS (Sept. 13, 2018), <https://bit.ly/2pm2NXn>.

<sup>3</sup> Alliance Defending Freedom, *Who We Are*, <https://bit.ly/3JbKFbb>.

era, VMI provided *The Cadet* staff members with a permit that excused them from some non-academic events, allowed them to leave the VMI post, and granted them other accommodations necessary to writing and publishing the paper.

Around 2016, Superintendent Peay forced *The Cadet* to close by restricting the paper's ability to obtain funding and distribute its work online because he and others objected to articles the paper published. In fact, VMI's counsel from the Attorney General's Office at the time warned that VMI's actions likely violated the First Amendment. Still, *The Cadet* remained closed until 2021. After cadets restarted the paper with alumni support, VMI administrators have sought to close or control it by refusing to grant *The Cadet* staff members the traditional accommodations through a permit or otherwise unless the paper agrees to the administration's demands, which have changed from time to time. But these demands have included insisting that *The Cadet* accept VMI-appointed employees (sometimes one, other times multiple) as "advisors," that it give VMI (or the Alumni Association) control of its funds, that it allow VMI to review its articles (as well as the authors and the sources for those articles), and that it let VMI limit with whom cadet journalists can work. More recently, VMI administrators have insisted that, to receive the traditional permit, *The Cadet* must terminate its relationship with The Cadet Foundation, the non-profit foundation cadets and alumni formed to publish and protect the paper. Administrators also attempted to subject *The Cadet* to General Order 50, which would give administrators access to all of the paper's emails, digital archives, and computers and prohibit the paper from sending emails and using software systems vital to its work.

## LEGAL ANALYSIS

As you know, VMI must respect the First Amendment rights of its cadets.<sup>4</sup> After all, VMI has been found liable for violating these freedoms in the past.<sup>5</sup> This situation involves *both* the First Amendment rights that all VMI cadets enjoy (*e.g.*, the rights to free speech and expressive association) *and* those that a newspaper and its reporters enjoy (*i.e.*, the freedom of the press).

For at least three decades, it has been "axiomatic that the government may not regulate speech based on the substantive content or message it contains."<sup>6</sup> Indeed, "[d]iscrimination against speech because of its message is presumed to be unconstitutional"<sup>7</sup> and faces the daunting task of surviving strict scrutiny.<sup>8</sup> And when the government targets viewpoints, "the violation of the First Amendment is all the more blatant."<sup>9</sup> Apparently, VMI has a history of targeting *The Cadet* when it disapproves of what the paper publishes, and that history is still continuing.

For almost four decades, it has been clear that "prior restraints on speech and publication are the most serious and least tolerable infringements of First Amendment rights."<sup>10</sup> Yet VMI administrators insist that *The Cadet* submit to a prior restraint by allowing them to review its articles. Going further, they insist on seeing the paper's sources—a severe threat to the paper given VMI's military structure.

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<sup>4</sup> *E.g.*, *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he precedents of this Court leave no room for the view that ... First Amendment protections should apply with less force on college campuses than in the community at large.").

<sup>5</sup> *E.g.*, *Mellen v. Bunting*, 327 F.3d 355 (4th Cir. 2003).

<sup>6</sup> *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995).

<sup>7</sup> *Id.*

<sup>8</sup> *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2226 (2015).

<sup>9</sup> *Rosenberger*, 515 U.S. at 829.

<sup>10</sup> *Neb. Press. Ass'n v. Stuart*, 427 U.S. 539, 559 (1976).

Going further still, they have threatened cadets, demanding that they print administration-approved articles that the paper deemed inaccurate.


For over five decades, it has also been clear that college students possess “the right ... to associate to further their personal beliefs.”<sup>11</sup> Indeed, this right is “implicit in the freedoms of speech, assembly, and petition”—and here, the freedom of the press.<sup>12</sup> As adults, cadets have the right to associate with other adults to further their expression and to protect their rights. This would protect *The Cadet’s* ability to work with alumni to create The Cadet Foundation that has sparked VMI’s ire.

For over seventy-five years, it has also been clear that the government “may not deny a benefit to a person on a basis that infringes his constitutionally protected interest—especially, his freedom of speech.”<sup>13</sup> This is true even when “a person has no ‘right’ to a valuable government benefit” and even when “the government may deny him the benefit for any number of reasons.”<sup>14</sup> Otherwise, the government could “produce a result which it could not command directly,” and “[s]uch interference with constitutional rights is impermissible.”<sup>15</sup> Yet here, VMI administrators are refusing to grant a benefit (*i.e.*, the traditional permit) until *The Cadet* submits to their long list of conditions. These conditions give administrators almost complete control over the paper’s assets, journalistic endeavors, and content. It is difficult to imagine a more complete erasure of *The Cadet’s* First Amendment rights.

#### CONCLUSION

Needless to say, we are gravely concerned that the VMI administration continues to impede *The Cadet* by refusing to grant the traditional permit that allows it to conduct its normal business—actions that violate the First Amendment and the unconstitutional conditions doctrine. And we call on you, as the Institute’s caretakers under Virginia law, to act swiftly to curb these abuses and to protect the priceless freedoms that cadets enjoy and are training to defend at great sacrifice. Perhaps the easiest way to eliminate the tension between VMI administrators and *The Cadet* would be for you to enter a memorandum of understanding with the paper through The Cadet Foundation, similar to those you have entered with other non-profit entities that serve cadets. If you decline to resolve this situation in a way that respects the freedoms of *The Cadet* and its staff, we may have to consider other options for ensuring that VMI fulfills its legal obligations.

Sincerely,



Travis Christopher Barham  
Senior Counsel

ALLIANCE DEFENDING FREEDOM



Tyson C. Langhofer  
Senior Counsel

ALLIANCE DEFENDING FREEDOM

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<sup>11</sup> *Healy*, 408 U.S. at 181.

<sup>12</sup> *Id.*

<sup>13</sup> *Perry v. Sindermann*, 408 U.S. 593, 597 (1972).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* (cleaned up).

Cc (via electronic mail):

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# VIRGINIA MILITARY INSTITUTE

LEXINGTON, VIRGINIA 24450-0304

OFFICE OF THE GENERAL COUNSEL

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January 27, 2025

Mr. Travis Christopher Barham  
Mr. Tyson C. Langhofer  
Alliance Defending Freedom  
1000 Hurricane Shoals Road  
Lawrenceville, GA 30043

**Re: December 19, 2024 Correspondence regarding *The Cadet* Newspaper**

Gentlemen:

On behalf of the Virginia Military Institute (VMI) Board of Visitors, I write to provide VMI's response to your December 19 correspondence regarding *The Cadet* newspaper. VMI appreciates the opportunity to provide you with background and facts that you may not have and to correct some of the statements in your correspondence.

As a preliminary matter, VMI has never made an effort to violate the First Amendment Rights of *The Cadet* or those who produce, own, or operate it. Nor has VMI sought control of *The Cadet*. Instead, VMI has carefully observed *The Cadet's* independence as a media publication that exists completely separate and distinct from the Institute. VMI General Order 72, originally adopted in 2010, prohibits the administration from abridging "the constitutional freedom of any individual, including cadets, employees, and invited guests, to speak on post." As such, the current version of *The Cadet* has operated independently, with no Institute involvement since its inception in May 2021. On October 24, 2024 *The Cadet* was issued a permit that granted certain privileges to the cadets who chose to write for the paper this academic year. Regardless of whether VMI issues a permit, cadets are always free to participate in independent publications of their choosing. Indeed, the cadets who work on *The Cadet* have been doing so since it was created in May of 2021.

There also appears to be a misconception regarding the need for a memorandum of understanding (MOU) between the VMI Board of Visitors and the Cadet Foundation. While there have been some discussions regarding a draft MOU that has been circulated between VMI and the Cadet Foundation, an MOU is not necessary in order to issue a permit to cadets. Permits pertain specifically to the duties and responsibilities of cadets, not external organizations. Unlike the Cadet Foundation, the long-standing VMI related organizations you named (e.g., the Alumni Association, the Keydet Club, the VMI Foundation, Peay Foundation) are sanctioned by the Board of Visitors and perform identified functions for the benefit of the Institute. None of them have an MOU that concerns the issuance of a permit to cadets. While the existing permit does refer to provisions in the unexecuted draft MOU, it is

not necessary for the two documents to be interdependent.

### History of the Newspaper

The Virginia Military Institute began publishing a student publication titled *The V.M.I. Cadet* in the late 1800s. *The V.M.I. Cadet* newspaper was published by VMI as a member of the VMI Publications Board between 1907 and 2016. However, VMI ceased publishing the newspaper in 2016 due to a lack of interest from cadets. The allegation that General Peay forced *The V.M.I. Cadet* newspaper to close is incorrect.

*The Cadet*, published by The Cadet Foundation, has no affiliation with *The V.M.I. Cadet* or the Virginia Military Institute. Rather, The Cadet Foundation claims this lineage on its own without any factual support or justification. Prior to its discontinuation, *The V.M.I. Cadet* was supported through funding and resources provided by VMI and through advertising sales. VMI provides no such support to *The Cadet*. As such, based on the separate histories of these two publications, the claim that “*The Cadet* is one of Virginia’s oldest independent college newspapers, dating back well over a century” is factually incorrect. *The Cadet* has no more legal affiliation with VMI than *The News-Gazette* in Lexington or the *Richmond Times Dispatch* in Richmond.

### Misconceptions Regarding VMI “Permits”

The December 19 correspondence is also incorrect in referencing a need for *The Cadet* to have a permit in order to operate or function as a publication. This is not the case. As a designated U. S. Senior Military College under 10 U.S.C. § 2111a(f), VMI imposes certain duties and responsibilities on its cadets above and beyond the normal academic requirements of other colleges and universities. These requirements are unique to VMI and comprise the military aspect of a cadet’s training. For example, all cadets must participate in military duty, which may consist of participation in parades, NCAA sports, intramural sports and other military training. Cadets must attend all required military formations (roll calls) to include academic classes. Cadets generally may not leave the VMI post (campus) without permission. Cadet rooms must be kept in military order and are subject to inspection. Cadets must fulfill these duties as part of their cadetship. Failure to comply with the military aspects of VMI can result in suspension or dismissal from the Institute.

Notwithstanding these general provisions, VMI can and does issue directives providing exceptions to VMI regulations and providing other types of Institute support. These directives are known as “permits” and they are usually submitted by cadets or by members of the faculty on behalf of cadets. Permits can allow cadets to participate in various activities. For example, they may be issued to facilitate a club activity or sport, attendance at special events off the VMI post, or to attend concerts and dances at a neighboring college or university. Within the permit, cadets typically outline the “privileges” they are requesting, which can include things like permission to miss a formation or to be absent from the VMI Post for extended periods of time. These privileges may also include the use of Institute facilities and other property. The decision to issue the permit rests with the VMI Commandant of Cadets or in some cases, the VMI Superintendent. VMI is under no



obligation or requirement to issue any permit or exception to military duty. In the absence of a permit, cadets have always been able to pursue a multitude of activities during designated free time. Participation in *The Cadet* newspaper has been one such activity.

As the December 19 correspondence states, VMI had issued permits to members of *The V.M.I. Cadet* staff to allow them certain privileges in conjunction with the publication of the paper. The requirements of these previous permits had no implications regarding the cadet's First Amendment rights. Examples of required components included the number of cadets who could miss certain duties, descriptions of certain newspaper staff members and duties, the requirements for individual cadets to be eligible for privileges, and a faculty advisor or other Institute official associated with the permit. In some cases, where no faculty advisor was specifically named in the permit, a member of the Commandant's staff typically acted in an advisory capacity to the cadet writers.

The assertions regarding VMI's demands are incorrect. VMI has never insisted "that *The Cadet* accept VMI-appointed employees (sometimes one, other times multiple) as 'advisors,' that it give VMI (or the Alumni Association) control of its funds, that it allow VMI to review its articles (as well as the authors and the sources for those articles), and that it let VMI limit with whom cadet journalists can work." (emphasis added). VMI does require that the cadets appoint a faculty or staff advisor of their choosing as a condition of the permit, which is consistent with prior practice as noted in the paragraph above. Moreover, this requirement is necessary for all VMI activity permits and *The Cadet* does not receive disparate treatment. VMI has never expected an advisor to exert the level of control referenced in the December 19 correspondence. This individual is to act in an advisory capacity only and the cadets are expected to maintain editorial control of the newspaper. The assertion that "VMI administrators have insisted that, to receive the traditional permit, *The Cadet* must terminate its relationship with The Cadet Foundation," is also incorrect. VMI has made no such demand in conjunction with the current permit. Finally, regarding VMI General Order 50, all VMI cadets are subject to this official order, which outlines the acceptable use of VMI information systems. Cadets who chose to write for *The Cadet* are no exception.

#### Presented Legal Analysis

VMI does not dispute – and, in fact, fully supports – the principles of free expression and First Amendment protections referenced in the December 19 correspondence. The background and corrections provided above are relevant to the application of these principles to the situation here. For example, the December 19 correspondence states: "Yet VMI administrators insist that *The Cadet* submit to prior restraint by allowing them to review its articles. Going further, they insist on seeing the paper's sources – a severe threat to the paper given VMI's military structure." VMI is aware of no such occurrence. The December 19 correspondence further states that VMI has "targeted" *The Cadet* when VMI disapproves of what the paper publishes. However, no factual support identifying incidents when this occurred has been provided. Rather than "targeting" *The Cadet*, the VMI administration has encouraged cadet writers to exercise journalistic integrity with regard to certain articles. To the extent the December 19 correspondence implies that VMI's standard requirement for an





advisor with respect to a permit is a violation of the First Amendment, VMI welcomes the opportunity to review any authority in support of that conclusion.

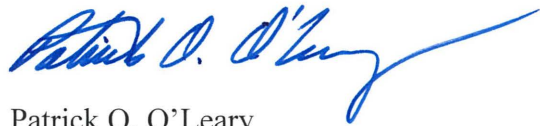
The cadets who write for *The Cadet* have an approved permit for this academic year that grants them certain privileges. The permit does not contain any provisions that would violate the First Amendment and does not single out the cadet writers in a way that constitutes disparate treatment. If the cadets are dissatisfied with the permit in its present form, they are free to resubmit a new proposed permit to the Commandant's staff. VMI does not negotiate permits with alumni or external organizations.

In Summary

Based on the additional and corrected facts provided here, the allegations that VMI is violating First Amendment rights are not supported. To the contrary, VMI has taken precautions to observe these constitutional rights in all of its dealings with the cadets who write for the paper.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Patrick O. O'Leary  
VMI General Counsel and  
Senior Assistant Attorney General

cc: VMI BOV



# THE CADET Foundation

February 6, 2025

## **Via Hand Delivery & Electronic Mail to each BOV member and the BOV Secretary**

Virginia Military Institute Board of Visitors  
201 Smith Hall  
Virginia Military Institute  
Lexington, Virginia 24450

On January 27, 2025, the Virginia Military Institute's general counsel responded<sup>1</sup> to Alliance Defending Freedom's (ADF) December 19, 2024 correspondence concerning *The Cadet* newspaper<sup>2</sup>. After reviewing this response, it is evident that VMI improperly conflated elements of *The Cadet* Foundation's separate December 18, 2024 correspondence<sup>3</sup>—titled "Permit for *The Cadet* Newspaper and Memorandum of Understanding (MOU) with *The Cadet* Foundation"—with ADF's letter. In consultation with the cadets and other stakeholders, we wanted to correct the many misstatements in VMI's response so that you can make a more fully informed decision at your upcoming meeting and understand what actions we may take.

Upon reviewing VMI's response, we can only conclude that VMI either: (1) did not read our December 26, 2024, correspondence; (2) failed to comprehend it; or (3) deliberately chose to ignore it. We are disappointed and concerned VMI's response contains such deception and so many outright false statements. We did not expect this from the VMI administrators who are VMI Alumni and claim to follow the Honor Code.

### **FACTUAL SUMMARY**

VMI does not dispute the legal analysis in our December 18, 2024 Decision Paper packet, ADF's letter, or the accompanying documentation. Rather, it disputes the facts. In its Sept. 12, 2023 meeting the BOV Nominating & Governance Committee confirmed that under BOV Statement of Governance provision (#5) regarding private organizations operating in the name of or for the benefit of the Institute, "The Cadet newspaper was raised as an example if the Institute was ever to enter into a formal agreement with the publication."<sup>4</sup> VMI Cannot now overrule that. An MOU between the BOV and The Cadet Foundation is a legitimate and desired solution. Since 2022, the administration offered to agree to an MOU, and The Cadet Foundation has worked to make this a reality. Now VMI claims cadets do not require a "Permit" to operate their independent newspaper, but this is nonsense as cadets cannot grant themselves a directive from VMI "providing exemptions to VMI regulations" such as departures from post, missing formation, or working during the weekend on the paper—all things that are essential to *The Cadet*.<sup>5</sup> **We can only conclude that VMI now agrees it cannot impose or enforce those restrictions.**

Cadet activities, including *The Bomb*, do not have "Permits" (Standing or otherwise) as a requirement to exist or operate. Student activities operate under "Charters" directed, structured and approved annually under General Order 67 and completely controlled by the Commandant's staff. The Superintendent and his staff repeatedly told the BOV, Cadets, and others that *The Cadet* was not required to be a "Club" or come under Club rules. *The Cadet* was promised a Standing Permit, as it had in the past—a permit published in the Blue Book that does not expire or require annual renewal.

### **VMI'S FALSE OR MISLEADING STATEMENTS**

VMI's response to ADF simply rewords statements by VMI officials dating back to 2021 and adds a new, and flawed, 10 U.S. Code § 2111a argument. Many of these statements have already been proven false or misleading over the last four

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<sup>1</sup> See: <http://thecadefoundation.org/wp-content/uploads/2025/02/BOVtoADF12-19-24.pdf>

<sup>2</sup> See: <http://thecadefoundation.org/wp-content/uploads/2025/02/ADFLTRI.pdf>

<sup>3</sup> See: [http://thecadefoundation.org/wp-content/uploads/2025/02/TCFtoBOV12\\_19\\_2024.pdf](http://thecadefoundation.org/wp-content/uploads/2025/02/TCFtoBOV12_19_2024.pdf)

<sup>4</sup> See: [http://thecadefoundation.org/wp-content/uploads/2025/02/BOV\\_MOU\\_TCF.pdf](http://thecadefoundation.org/wp-content/uploads/2025/02/BOV_MOU_TCF.pdf)

<sup>5</sup> VMI BOV letter, January 27, 2025 to Alliance Defending Freedom, Re: December 19, 2024 Correspondence regarding The Cadet Newspaper, "The December 19 correspondence is also incorrect in referencing a need for *The Cadet* to have a permit in order to operate or function as a publication. **This is not the case.**" [emphasis added]

years, but VMI repeated them again anyway. And VMI officials knew these statements are false and misleading before sending this response because they contradict personal statements from cadets and alumni, video of BOV meetings, and other evidence provided in numerous letters to the BOV, award-winning articles in *The Cadet*, and especially our direct interaction with BOV members individually and in groups over the past four years. Our previous response also addresses that the BOV, not VMI, must execute the MOU and the misrepresentations VMI officials made that all student activities at VMI operate under Permits to exist. VMI's response does not disprove these facts or their legal foundation.

If VMI officials had made these comments at the outset of the conflict in 2021, we would be inclined to chalk this up to reasonable mistakes. But doing so now, in the face of this overwhelming body of evidence, suggests that VMI may be engaging in willful deceit. We believe this willful repetition to be a violation of §18.2-209<sup>6</sup>, BOV's code of ethics<sup>7</sup> and the Honor Code. Had a cadet acted in this manner they would face dismissal. Such deliberate action are grounds for termination of both State employees and BOV members. **And they bolster**, rather than undercut, the concerns that three of the top free speech organizations in the country—the Student Press Law Center, the Foundation for Individual Rights in Education, and Alliance Defending Freedom—have repeatedly expressed.

Rebutting exhaustively the myriad deceptive and outright false statements in VMI's response is not possible in the limited time we have from receiving it until the scheduled 6–8 February 2025 BOV meeting. Despite having our detailed, legal supported response and proposed revised Permit and MOU for over 30 days, VMI chose to respond at the last minute before the upcoming meeting with the same and more completely unsubstantiated allegations. It appears VMI's intent is to announce “problem solved” and that “ADF got it wrong.” But this is simply wrong, and it should not be necessary to compile an exhaustive rebuttal, though we may do so if this matter is not resolved at the upcoming BOV meeting. After all, many BOV Members have first-hand knowledge of these improprieties, and all received records and other materials during their time on the BOV that prove these statements false or deceptive.

For now, we highlight three examples of how VMI's effort to excuse its mistreatment of *The Cadet* relies on false and misleading statements. And then we summarize the truth.

**VMI's Claim:** “*VMI has never made an effort to violate the First Amendment Rights of The Cadet or those who produce, own, or operate it. Nor has VMI sought control of The Cadet. Instead, VMI has carefully observed The Cadet's independence as a media publication that exists completely separate and distinct from the Institute.*”

### **The Truth:**

- In March 2021, Cadet Michael Tempesta contacted the VMI Commandant's office about re-starting *The Cadet* for the May 2021 graduation edition, only to be threatened. According to Tempesta, “I met with CSM Rubenstein [VMI Commandant's staff] and she told me that since this [the newspaper] is not officially a club yet, I cannot proceed with any meetings, writing, etc. **Doing so and getting caught would result in me getting boned, heavily.**”<sup>8</sup> [emphasis added] (Note “Boned” is a term used at VMI to denote punishment that could include confinements to a cadets room or barracked, being forced to “march penalty tours” or other activities.)
- On April 25, 2022, Maj. Gen. Wins summoned Cadet Mansfield to pressure him to surrender his rights:
  - Mansfield described the meeting and environment as “hostile and designed to intimidate him.”<sup>10</sup>
  - Maj. Gen. Wins denied Mansfield the opportunity to record his intimidation in their conversation orally and by having him surrender his cell phone.
  - Maj. Gen. Wins stated Cadet Mansfield was in his office that day “about the newspaper.” According to Cadet Mansfield, after the meeting, “It was my impression from his tone and demeanor the Superintendent was insinuating that if I did not comply, I could be brought in for disciplinary action. I also inferred from the Superintendent's statements, tone and demeanor that he was making me aware he had the power of disciplinary action over me.”

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<sup>6</sup> See: <https://law.lis.virginia.gov/vacode/title18.2/chapter6/section18.2-209.1/>

<sup>7</sup> See: <https://www.vmi.edu/media/content-assets/documents/general-orders/GO46.pdf>

<sup>8</sup> See: <https://cadetnewspaper.com/news/674/the-vmi-administration-cooperating-with-or-influencing-the-media-part-2/>

<sup>9</sup> See: [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/52/MANSFIELD\\_WINS.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/52/MANSFIELD_WINS.pdf)

<sup>10</sup> See: [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/52/MANSFIELD\\_WINS.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/52/MANSFIELD_WINS.pdf)

- Maj. Gen. Wins and Mr. Wyatt [Communications Director] pressured Cadet Mansfield to publish, without change, the Institute’s op-ed on the Cadet Counseling Center. This op-ed included information about an alumni mentor that the editorial staff identified as false and/or derogatory information, a statement that *The Cadet’s* reporting was in error, and other false statements.
  - Maj. Gen. Wins accused *The Cadet* and its staff of being politically biased, citing a past article where cadets fact checked and published cadet reactions to the speech by former Governor Northam at VMI.
  - Maj. Gen Wins stated VMI would never recognize *The Cadet*, provide it a permit for basic cadet privileges, or offer it any other support unless cadets and the newspaper “severed all ties” with alumni and The Cadet Foundation and agreed to come under a faculty advisor appointed and/or approved by VMI.
  - Maj. Gen. Wins stated the cadets must also sever ties specifically with Col. (Ret.) Morris ‘79 as another condition for recognition as an approved student activity.
- On September 21, 2022, the Foundation for Individual Rights and Freedom and the Student Press Law Center issued a warning letter to VMI based on how it was violating the First Amendment.<sup>11</sup>
  - In a November 17, 2023 article in *The Cadet*, the author of the Cadet Counseling Center (CCC) article Maj. Gen. Wins and Col. Wyatt opposed stated, “I talked with [Col.] Wyatt because **I was genuinely scared of being removed from VMI**. I am an example of a cadet who underwent the medical furlough process mentioned in the article - it was still fresh in my mind while writing and while talking with Wyatt.”<sup>12</sup> [emphasis added]
  - In the same article (which includes posted records), Cadet Mansfield—citing emails and other interactions between himself and the article’s author—stated: “As he did with me, Wyatt deliberately chose to use intimidation as a tactic against the cadets he should be mentoring. Col. Wyatt knew the article’s author overcame emotional issues in his own interactions with the CCC, and chose to pressure him for his own reasons. It is apparent from the former cadet’s recent email that he is still emotionally shaken by that treatment and it continues to adversely affect him. It was also unprofessional of Col. Wyatt to go over my head as Editor-in-Chief and directly to the article’s author with my emails to apparently question the truthfulness of my statements. This appears as if Col. Wyatt was so focused on winning the argument that he was willing to try and trap either the author or myself in an Honor Court complaint.”
  - The Superintendent’s Memorandum #34, cadets must follow—as a stipulation in the “Permit” VMI imposed on them to operate—**all** General Orders and policies of the Institute, including those that require “any donation, monetary or in-kind, from an organization other than the VMI Alumni Agencies to a VMI-sponsored cadet activity must be approved, in advance, by the superintendent or his designee”; those that “recognize only those donations made to the VMI Alumni Agencies”; and those that apply these restrictions to “official VMI functions, ceremonies, and **publications**,” [emphasis added] including *The Cadet*. VMI did not exempt *The Cadet* or remove this requirement when asked.<sup>13</sup>

**VMI’s Claim:** “*The Cadet*, published by *The Cadet Foundation*, has no affiliation with *The VMI Cadet* or the *Virginia Military Institute*. Rather, *The Cadet Foundation* claims this lineage on its own without any factual support or justification... As such, based on the separate histories of these two publications, the claim that ‘*The Cadet* is one of Virginia’s oldest independent college newspapers, dating back well over a century’ is factually incorrect.”

### The Truth:

- In March 2022, the Virginia House of Delegates and the Virginia Senate congratulated the current iteration of *The Cadet* on its 115 year anniversary as “one of Virginia’s oldest independent colleges newspapers,” noting that “cadets, again with support from alumni and others in the VMI Family re-started *The Cadet* in May 2021” and that “*The Cadet* today remains the student-produced and alumni supported medium of news and information published by cadets and alumni under *The Cadet Foundation*, a non-profit corporation...”<sup>14</sup>

<sup>11</sup> See: <http://cadetnewspaper.org/wp-content/uploads/2022/09/FIREALL.pdf>

<sup>12</sup> See: <https://cadetnewspaper.com/news/660/the-vmi-administration-riddle-cooperating-with-orinfluencing-the-media-part-1/>

<sup>13</sup> See: <http://cadetnewspaper.org/wp-content/uploads/2025/02/AFSA1.pdf>

<sup>14</sup> See: [https://d11qx84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/121/HJ453\\_House\\_Resolutuion.pdf](https://d11qx84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/121/HJ453_House_Resolutuion.pdf)

- On April 11, 2022, Virginia Governor Glenn Youngkin congratulated the current iteration of *The Cadet* on its 115th anniversary, writing “I am pleased to extend my sincere congratulations to *The Cadet*, **one of Virginia’s oldest independent college newspapers, on your 115<sup>th</sup> Anniversary. From its establishment as a magazine in 1871 to its transition to a newspaper in 1907 to today**, *The Cadet* and its alumni have set the standard for independent student newspapers in the Commonwealth and the United States.”<sup>15</sup> [emphasis added]
- On May 6, 2023, the Virginia Press Association bestowed its highest award for Journalistic Integrity and Community Service on *The Cadet* as one of the oldest independent student newspapers in Virginia.<sup>16</sup>
- On May 16, 2023, Virginia Governor Glenn Youngkin formally recognized *The Cadet*, stating “your [the Corps] student run newspaper, *The Cadet*, recently won seven awards from the Virginia Press Association including the highest award for journalistic integrity and community service.”<sup>17</sup>
- In December 2024 and January 2025, the United States Secret Service cleared cadets, and the Presidential Inaugural Committee and the Senate Gallery for Periodicals recognized *The Cadet* as the independent student newspaper at VMI and one of the oldest independent college newspapers in Virginia.<sup>18</sup>

Thus, this false statement from VMI directly defies the will and lawful authority of both the Virginia General Assembly and the Governor of Virginia, who is VMI’s Commander-in-Chief of VMI under Virginia Code § 44-8.<sup>19</sup>

**VMI’s Claim:** “*The Virginia Military Institute began publishing a student publication titled The VMI Cadet in the late 1800s. The VMI Cadet newspaper was published by VMI as a member of the VMI Publications Board between 1907 and 2016. However, VMI ceased publishing the newspaper in 2016 due to a lack of interest from cadets. The allegation that General Peay forced The VMI Cadet newspaper to close is incorrect.*”

#### **The Truth:**

- The masthead of the first issue of *The Cadet* in newspaper format published in 1907 states the newspaper is “Published **by Cadets** of the Virginia Military Institute” [emphasis added] and Printed by “Rockbridge Country News”<sup>20</sup> and does not state VMI published or owned *The Cadet* or that *The Cadet* operated under the VMI Publications Board. *We challenge the VMI to produce the records of the alleged Publication Board from 1907 until 2016.*
- According to Dr. Eugene “Skip” McDannald ’61, who worked on *The Cadet* for all four years at VMI: “New Supt[erintendent] and New Com[mmandant] tried to force publications committee on *The Cadet* and *The Bomb*. We refused --- and Won! Remained independent for editorial and articles.”<sup>21</sup>
- A 15 March 1961 VMI Class of 1961 Memorandum to the Superintendent outlined “Grievances in the Corps of Cadets,” including VMI attempting to impose “a new Publications Board” with no voting cadet members on *The Cadet*. In addition, the Superintendent imposed a censor responsible “to prevent the publication of critical editorial[s] which w[ere] not [in the censor’s opinion] impartially objective.” VMI’s statement that *The Cadet* operated under a Publications Board from 1907 to 1961 is simply false, and the statement is also false as to 1961 to 2025.<sup>22</sup>
- According to the same 1961 Memorandum to the Superintendent, VMI also attempted to take fiscal control of *The Cadet* finances and the Corps refused. So VMI did not have this authority as it falsely states.<sup>23</sup>
- According to *The Cadet* Editor-in-Chief, Holmes Laughton and Francis Bush, a faculty advisor at the time of *The Cadet*’s last print edition in 2016, VMI’s representations *The Cadet* closed due to lack of cadet interest are false.<sup>24</sup>

<sup>15</sup> See: [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/120/cadetletter2.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/120/cadetletter2.pdf)

<sup>16</sup> See: <https://youtu.be/EgTpkHUD4kM>

<sup>17</sup> See: <https://youtu.be/aQlwAnFLNpo>

<sup>18</sup> See: <http://cadetnewspaper.org/wp-content/uploads/2025/02/Passes2A-scaled.jpg>

<sup>19</sup> See: <https://law.lis.virginia.gov/vacode/title44/chapter1/section44-8/>

<sup>20</sup> See: [http://cadetnewspaper.org/wp-content/uploads/2025/02/Cadet\\_1907\\_SML.pdf](http://cadetnewspaper.org/wp-content/uploads/2025/02/Cadet_1907_SML.pdf)

<sup>21</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/>

<sup>22</sup> See: <http://cadetnewspaper.org/wp-content/uploads/2025/02/VMICensor61.pdf>

<sup>23</sup> See: Ibid.

<sup>24</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/>

- In 2016, the cadets running the paper recommended COA 2, to: “Publish *The Cadet* on a professionally-designed digital platform. This option will transform *The Cadet* into an appealing, accessible twenty-first century publication.”<sup>25</sup> They did not want to close down *The Cadet*.
- According to memorandum signed by Gen. Peay in 2017: “The [Publications Board] Board is further directed to monitor the Cadet Newspaper and use its discretion to suspend online publication in the event of a violation of the above provisions or for any action that brings disrepute to the newspaper or to the Institute.”<sup>26</sup>
- In a December 15, 2016 email between VMI officials, Mr. McGinnis stated: “We tried to move forward with a decision paper on going digital, but I haven’t seen anything. So no approval from Smith Hall [Gen. Peay] on doing that, and again, dead in the water.”<sup>27</sup>
- In a December 15, 2016 response to Mr. McGinnis, another VMI official stated: “I agree. I say we shut it down.”<sup>28</sup>
- In another December 16, 2016 email, a VMI official wrote: “The members of the Board of Directors [of the administration imposed Publications Board] consist of the three of us. So two of us with the superintendent can bring this to an end.”<sup>29</sup>
- On March 17, 2017, Cadet Lanford, *The Cadet’s* Editor-in-Chief, submitted to Gen. Peay and his staff a memorandum stating: “The [cadet] leadership has considered ending the publication of the student newspaper at the Virginia Military Institute. None of the stakeholders want to see *The Cadet*, published for over 100 years, terminate Operations.”<sup>30</sup>
- According to handwritten notes from VMI officials on official VMI records: “[Gen. Peay Chief of Staff Jamie] Inman opposed to online publication.”<sup>31</sup>
- Those same notes state: “[VMI] Lawyers concerned that VMI oversight violates Cadets’ First Amendment Rights”<sup>32</sup>

The three examples are just small examples of VMI’s flagrant disregard for the truth and willful deception. We trust the BOV to act honorably and resolve this issue by approving the MOU and Permit we propose at its 6–8 February meeting. If not, we will return a detailed response and expect the appropriate disciplinary action against those involved. We hope we will not be forced to air publicly yet more instances of VMI’s deception, as that will cast VMI in a darker light while showing that many of its administrators do not share the same code of honor as cadets. But that Honor Code demands that we not act dishonorably ourselves “**...nor tolerate those who do so.**”

**VMI’S STATUTORY CLAIM IS INVALID AND  
CADET JOURNALISTS CAN NOT BE RESTRICTED BY UNLAWFUL ORDERS**

VMI’s response to ADF makes clear its sole legal basis for placing limitations on the operations and “privileges” granted to cadets operating *The Cadet*:

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<sup>25</sup> See: Ibid.

<sup>26</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/> and [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/35/PRINT\\_ONLINE\\_VMI.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/35/PRINT_ONLINE_VMI.pdf)

<sup>27</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/> and [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/39/DEC2016\\_EMAIL\\_Redacted.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/39/DEC2016_EMAIL_Redacted.pdf)

<sup>28</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/> and [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/39/DEC2016\\_EMAIL\\_Redacted.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/39/DEC2016_EMAIL_Redacted.pdf)

<sup>29</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/> and [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/39/DEC2016\\_EMAIL\\_Redacted.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/39/DEC2016_EMAIL_Redacted.pdf)

<sup>30</sup> See: [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/38/CADET\\_DP\\_Extract.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/38/CADET_DP_Extract.pdf)

<sup>31</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/> and [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/40/APRIL17VMILEGAL\\_Redacted.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/40/APRIL17VMILEGAL_Redacted.pdf)

<sup>32</sup> See: <https://cadetnewspaper.com/news/601/why-the-cadet-really-closed-in-2016-its-not-what-youvebeen-told/> and [https://d11qxf84htn8g3.cloudfront.net/360\\_VMI\\_Live/files/0/0/0/0/40/APRIL17VMILEGAL\\_Redacted.pdf](https://d11qxf84htn8g3.cloudfront.net/360_VMI_Live/files/0/0/0/0/40/APRIL17VMILEGAL_Redacted.pdf)

*As a designated U.S. Senior Military College under 10 U.S.C. § 2111a(f)<sup>[33]</sup>, VMI imposes certain duties and responsibilities on its cadets above and beyond the normal academic requirements of other colleges and universities. These requirements are unique to VMI and comprise the military aspect of a cadet's training. For example, all cadets must participate in military duty, which may consist of participation in parades, NCAA sports, intramural sports and other military training. Cadets must attend all required military formations (roll calls) to include academic classes. Cadets generally may not leave the VMI post (campus) without permission. Cadet rooms must be kept in military order and are subject to inspection. Cadets must fulfill these duties as part of their cadetship. Failure to comply with the military aspects of VMI can result in suspension or dismissal from the Institute.*

10 U.S. Code § 2111a does not allow military institutions to regulate cadet conduct, and so it does not give VMI authority for its actions regarding *The Cadet* newspaper, or for that matter, **most of its core activities** (e.g., participation in parades, mandatory attendance at NCAA sports events, intramural sports, Ratline, Class system, Inclusive Excellence (DEI/DOI) training) as VMI claims. This includes attempts to impose military discipline (e.g., restricted campus leave) or to limit any operations of *The Cadet* staff for which VMI is attempting to require “Permit” for (i.e., leaving post as needed, missing breakfast formation and having “hay down” after working late, leaving post for weekends when needed to work on the newspaper). VMI cannot impose these unauthorized restrictions and requirements then “issue directives providing exceptions” in the form of Permits. Consequently, **VMI’s enforcement of these requirements does not derive legitimacy from federal law.**

VMI’s response confirms *The Cadet* staff does not require a Permit or MOU to operate independently. The legal analysis of 10 U.S.C. § 2111a makes clear that VMI lacks the authority to impose restrictions or “military duties” on *The Cadet* staff and they cannot be legitimately punished for “violating” these unlawful orders and restrictions while operating their independent newspaper. A plain reading of the law makes it clear that neither the BOV nor VMI administrators can impose restrictions under **10 U.S.C. § 2111a(f)** that would require cadets to seek permission to remove restrictions through a Permit. The regulations, policies, and administrative directives seeks to impose on *The Cadet* staff—and the Corps at large—lack legal support under **10 U.S.C. § 2111a**. They fail to meet the standard as lawful orders.<sup>34</sup>

#### **VMI’S INSISTENCE ON A VMI EMPLOYED FACULTY ADVISOR FOR THE CADET**

No part of VMI’s response better exemplifies its disregard for cadets and its dismissive attitude toward these serious constitutional issues than this: *“To the extent the December 19 correspondence implies that VMI’s standard requirement for an advisor with respect to a permit is a violation of the First Amendment, VMI welcomes the opportunity to review any authority in support of that conclusion.”* At least three highly respected free speech organizations—The Student Press Law Center, the Foundation for Individual Rights in Education, and Alliance Defending Freedom—have repeatedly provided this information since 2022. Our Dec.18, 2024 correspondence provides the Board these letters.

#### **VMI’S CONFLICT OF INTEREST**

Once again, we continue to express serious concerns regarding any involvement by VMI’s in-house legal counsel from the Attorney General’s Office, given his well-documented conflicts of interest and prior actions that raised significant concerns about impartiality. His documented conflicts and professional improprieties have previously drawn the involvement of the Secretary of Education, the Counselor to the Governor, and the Attorney General’s Office, as well as public scrutiny. He was previously removed from leading—and supposedly even participating in—the investigation into the administration’s actions regarding *The Cadet* and the Virginia Press Association Awards due to these concerns. He was sanctioned by a state court for making false and misleading representations during a civil case in which *The Cadet* Foundation’s Presidents private company (Center for Applied Innovation) was the Plaintiff and he represented the BOV.<sup>35</sup> Despite being fully aware of his bias and conflicts, VMI assigned him this task.

#### **BOV DISCUSSIONS OF THE PERMIT AND MOU MUST BE IN OPEN SESSION**

We respectfully request that this matter be covered in the upcoming February 6-8 BOV meeting and not once again hidden from the public or ignored. Virginia Code § 2.2-3711 is specific and limited in what the BOV can cover in closed session.

<sup>33</sup> See: <https://www.law.cornell.edu/uscode/text/10/2111a>

<sup>34</sup> *United States v. Sterling* and *United States v. Ranney*. See: <https://www.armfor.uscourts.gov/digest/IIIA15.htm>

<sup>35</sup> See: <http://thecadetfoundation.org/wp-content/uploads/2025/02/OLearySanctions1.pdf>

The “personnel” exemption<sup>36</sup> does not apply. There is currently no “actual” litigation, and we were clear in our December 30, 2024 email TO the BOV President that we are not currently making any threat of litigation. Therefore, no “probable litigation”<sup>37</sup> exists as defined by the statute.<sup>38</sup>

### CONCLUSION

We want nothing more than the fair, reasonable, and legal solution that the Institute stated it wanted and that we present. The BOV’s own Nominating Committee determined an MOU between the BOV (not the administration) and *The Cadet Foundation* is part of that solution.<sup>39</sup> While VMI’s response to ADF does nothing more than parrot the past, we focus on the present and offer a fair and reasonable solution. The voluntary framework established by the MOU and Permit provides this structure while allowing cadets to operate within VMI’s military environment with only modest, reasonable revisions.

### ACTIONS

We again request that the BOV sign the MOU provided in **enclosure 1** and **that** the appropriate BOV subordinate VMI Office(s) sign the Permit provided in **enclosure 2**.

If the BOV fails to take affirmative action to execute the MOU and Permit during its scheduled session from **February 6–8, 2025**, our position is that cadets may proceed with the activities and privileges outlined in the Permit—as well as any others they deem necessary—on their own and without fear of institutional reprisal or punishment. Please let us know if this understanding is in error.



Robert C. Morris, Jr.  
COL, USA (Ret)  
President, The Cadet Foundation  
Phone: (757) 869-6770  
Email: BobM@caihq.com

Enclosures: AS

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<sup>36</sup> Virginia Code § 2.2-3711 “Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.”

<sup>37</sup> Virginia Code § 2.2-3711 “Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.”

<sup>38</sup> “For the purposes of this subdivision, “probable litigation” means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party.”

<sup>39</sup> See: [http://thecadetfoundation.org/wp-content/uploads/2025/02/BOV\\_MOU\\_TCF.pdf](http://thecadetfoundation.org/wp-content/uploads/2025/02/BOV_MOU_TCF.pdf)



**Revised MOU**

**FOR SIGNATURE**



### Terms of Agreement

This Memorandum of Understanding (“MOU”), entered into as of 15 November 2024 by and between the Virginia Military Institute (“VMI”) and the Cadet Foundation recites and provides as follows:

1. **Purpose:** The purpose of this Memorandum of Understanding (MOU) is to outline the areas of responsibility and functions between the (VMI) and The Cadet Foundation. VMI encompasses the faculty, staff, and administrative staff of VMI as well as its Board of Visitors. The Cadet Foundation encompasses the staff, governing board and volunteers of this nonprofit organization as well as the staff and Editorial Board of *The Cadet* newspaper for which The Cadet Foundation is the publisher (collectively “Cadet Foundation”). *The Cadet* will remain a fully independent newspaper with certain privileges and operating infrastructure provided by VMI to support operations. VMI desires to support the publication of *The Cadet*.
2. **Mission Statements:**
  - a. VMI is a public institution of higher education operating under the authority of Virginia Code § 23-92 *et seq.* The mission of VMI is "to produce educated and honorable men and women, prepared for the varied work of civil life, imbued with love of learning, confident in the functions and attitudes of leadership, possessing a high sense of public service, advocates of the American Democracy and free enterprise system, and ready as citizen-soldiers to defend their country in time of national peril."
  - b. The Cadet Foundation is operated exclusively for charitable and educational purposes under Section 501(c) (3) of the Internal Revenue Code. Its stated purpose is "to support programs that preserve, protect and advance the core ethos of duty, honor, country and development of citizen-soldiers through a shared experience for all. These include initiatives to assist and support cadets and grow the bond between cadets, alumni and those who support the moral, ethical and other positive principles programs and initiatives the foundation’s supporters envision. The Cadet Foundation supports free speech, academic freedom and viewpoint diversity. The Cadet Foundation conducts programs supporting cadets and alumni to include, without limitation, publishing *The Cadet* newspaper. The Cadet Foundation was formed and remains independent of the VMI Alumni Agencies and its subordinate organizations as equivalent private non-profit corporations, The Virginia Military Institute Board of Visitors (dba as “Virginia Military Institute”) as a public corporation and VMI as a State Virginia State College. Its operations and the programmatic decisions are completely independent and governed by current cadets and alumni participants." Such stated purpose and mission provide the basis for The Cadet Foundation tax exemption and its recognition by VMI as an independent yet affiliated foundation with

a mission of supporting VMI, VMI Cadets and alumni. The Cadet Foundation owns Trademarks, copyrights and other intellectual property applicable to itself and *The Cadet* newspaper. The Cadet Foundation and *The Cadet* are engaged in “Journalism”, are “news organizations”, with cadets and their advisors classified as “newspersons” and their “protected information” is protected as defined by Virginia Code § 19.2-271.5.

- c. *The Cadet* Newspaper, published as one project of The Cadet Foundation is also operated exclusively for charitable and educational purposes under Section 501(c) (3) of the Internal Revenue Code. Its stated purpose is “to support the journalistic pursuits in publishing the student-produced and alumni supported medium of news and information by cadets and alumni in continuing the positive and proud tradition and enhance the bonds between these two essential groups. The interaction will enhance the academic, military, intellectual and professional development experiences of its cadet members interested in careers in journalism or related fields as well as offer leadership opportunities to practice academic, military, and personal skills.”

### **3. Roles and Responsibilities of VMI:**

- a. VMI is a state agency of the Commonwealth of Virginia. As outlined by statute and in VMI Regulations, its employees serve to support the educational mission of the Institute. VMI employees are employees of the Commonwealth of Virginia and subject to the hiring and personnel rules of the Commonwealth. The Board of Visitors of VMI is appointed by the Governor of the Commonwealth and in that regard members are considered "officers of the Commonwealth" as they exercise their oversight function of VMI. It is a supervisory board of the executive branch of the government of the Commonwealth of Virginia as such is defined by Virginia Code § 2.2-2100. The corporation is at all times subject to the control of the General Assembly of the Commonwealth of Virginia. VMI is subject to the Virginia Freedom of Information Act (FOIA), Virginia Code § 2.2-3700 *et seq.*, the State and Local Government Conflicts of Interests Act, Virginia Code § 2.2-3100 *et seq.*, and other laws and regulations imposed on state agencies of the Commonwealth of Virginia.
- b. VMI and its governing board are responsible for developing the budget and ensuring the fiscal stability of the Institute and must do so in accordance with state budgeting and fiscal requirements. The VMI budget is a public document, pursuant to FOIA. Support to VMI from benefactors such as alumni is a key component in the budget as well as ensuring the fiscal stability of the Institute. Accordingly, VMI Officials, principally through the office of the Deputy Superintendent for Finance, Administration, and Support (FAS) and its subordinate units, periodically provide budget and related fiscal information to the Cadet Foundation so that The Cadet Foundation is made aware of VMI's financial and fiscal needs and desires.
- c. VMI is responsible for the development and execution of the budget and all fiscal, contracting, and procurement matters pertaining to the annual operation of the Institute, in accordance with the laws and regulations imposed on state agencies of the Commonwealth of Virginia.
- d. VMI is responsible for the hiring and all personnel matters of employees directly employed to support the educational mission of the Institute. VMI is responsible for deciding if new

positions should be created or deleted.

- e. VMI is responsible for determining the funding sources of all operational and personnel activities and will do so in accordance with Commonwealth of Virginia and VMI fiscal, budgetary, and accounting requirements.
- f. Upon request, VMI may provide technical advice and related support to the Cadet Foundation in the areas of public affairs and marketing or other areas to the extent permitted by law and subject to the availability of staff and resources.
- g. The Superintendent of VMI and other staff upon request and subject to their availability will provide their support to The Cadet Foundation to enhance alumni relations. This includes support to *The Cadet* newspaper, cadet activities, alumni groups, and cadet – alumni activities.
- h. The Superintendent will communicate with the governing board of the Cadet Foundation upon request and, subject to his availability, update them on Institute matters and the operation of VMI.
- i. The Superintendent will invite the president of The Cadet Foundation to attend periodic staff meetings to receive updates and similarly will periodically meet with the president personally to exchange information.
- j. VMI through the Board of Visitors will invite the Cadet Foundation President or designee to attend open meetings of the VMI Board of Visitors and will provide them an opportunity to speak to the Board on matters pertaining to the Cadet Foundation.
- k. Upon request, VMI may provide Cadets one or more Advisor(s) selected by cadets. Any such advisors will serve at the sole discretion of the cadets and will comply with the duties, responsibilities and limitations on advisors per the most current version of *The Cadet* Operating Plan as published by The Cadet Foundation that complies College Media Association Code of Ethics or similar industry ethical standards. Advisors will enter agreements, satisfactory to the Cadet Foundation and *The Cadet* staff for their support.
- l. Advisors who are also VMI employees may receive a stipend from VMI in addition to their regular salary for their work with the newspaper at no cost to *The Cadet* or The Cadet Foundation.
- m. Although *The Cadet* is not an “institution-sponsored student media” as defined in § 23.1-401.2. Cadets on staff of or contributing to operations of *The Cadet* and its contents are “Student journalists”, and VMI recognizes any employee or person(s) paid by VMI, the Commonwealth of Virginia, or on their behalf relating to *The Cadet* as “student media advisors” and will afford them the protections under Virginia Code § 23.1-401.2.D. Service as an advisor is a protected activity as outlined in General Order 90 (Retaliation) and the advisor is protected from retaliation for engaging as an advisor. If a member of the teaching and research faculty is selected as the advisor, the faculty member may submit to the Dean of the Faculty a request for this duty to

count towards meeting faculty service requirements.

- n. VMI unconditionally guarantees the newspaper staff's right to maintain editorial control of the content published in the newspaper, and VMI, will in no way, directly or indirectly seek or act to influence, interfere, abridge or usurp the newspaper's cadet staff or The Cadet Foundation in any aspect of operating *The Cadet* or The Cadet Foundation including, without limitation, content, writing, editing, advertising, financial, distribution, management or staffing.
- o. VMI will provide *The Cadet* Staff common privileges for cadets affiliated with *The Cadet* under a separate mutually agreed upon Standing Permit published in the Blue Book. The Standing Permit will be consistent with this MOU and applicable Federal and State laws and legal precedent covering journalists and student journalists. For the purpose of this MOU and the Standing Permit common privileges are defined to be any granted to any other student organization at VMI and include, as a minimum, Optional Supper Roll Call (SRC), Optional Breakfast Roll Call (BRC) with Haydown, Regular Weekends, use of Privately Owned Vehicle in the County for newspaper business, excusal of staff from military duties (parades, march downs for NCAA events, etc.), Penalty Tour (PT) credits and absence from post as required to perform functions required to write, publish, coordinate advertising for, distribute and or/manage *The Cadet*.
- p. VMI will deem cadets "all right" for status checks when engaged in activities directly supporting *The Cadet* operations.
- q. VMI will not impose new standards of correspondence or restrictions thereof on their use of the VMI email system and/or with their personal cadet accounts for Cadets working for *The Cadet* Newspaper. Mass emails written by *The Cadet* staff must be approved and forwarded to the Corps as any other cadet-written mass email by one of the approval authorities in GO 50, Sec. 5.
- r. VMI grants authority for *The Cadet* to operate a drone In accordance with General Order #8 — with any required proper state or local permits according to UAV weight and capabilities— for purposes of photography on VMI property in compliance with applicable FAA regulations and/or exemptions and in accordance with any applicable liability, licensing and other applicable requirements based on drone size in General Order #8.
- s. VMI shall provide *The Cadet* with a VMI Permit affording *The Cadet* editorial staff and writers' privileges to operate outside of established regulations outlined in the Blue Book. As with all Standing Permits it will published in the Blue Book. These privileges incentivize the publication of *The Cadet*. In this regard, there is a mutual interest of both VMI and The Cadet Foundation/*The Cadet* in supporting the cadets to facilitate publication of a newspaper. *The Cadet* is not a "club" as defined by VMI and is not subject to General Order 67 or other club policies, rules or memorandum. Subject to any mutually agreed upon changes necessary, the Permit will automatically renew annually at the start of each academic year and be signed by the current Editor(s)-in-Chief and Commandant. Any dispute with the Commandant over changes to the Permit will be resolved by the Superintendent with the right of either party to appeal to the BOV subject to the law with the Governor of Virginia being the final level of appeal ad Com-

mander-in-Chief of VMI and the cadets under Virginia statute as is the right of every cadet using his or her chain of command.

- t. The VMI Board of Visitors will investigate any alleged violations of Federal law, Virginia Code, the First Amendment, the Permit given to cadets to operate their newspaper, or this MOU by VMI employees regarding *The Cadet* and/or The Cadet Foundation under their authority and responsibilities.
- u. The Cadet Foundation and *The Cadet* may share media such as photo and video with VMI for the mutual benefit of both organizations covering VMI and telling the VMI Story. This may include, upon mutual agreement cadets from the staff who are photographers, drone pilots (with their drones), videographers and others.
- v. *The Cadet* shall be allowed to continue placing magazine racks in academic buildings, the VMI library, and publically owned buildings to facilitate distribution.

#### **4. Roles and Responsibilities of the Cadet Foundation (and *The Cadet* newspaper):**

- a. The Cadet Foundation is committed to the objective of benefiting and supporting VMI Cadets, Alumni, *The Cadet* newspaper and the Cadet Foundation. The Cadet Foundation reaffirms its commitment to the objectives stated in this MOU and to conduct its affairs to promote efficiency and accountability among, and maintain independence and integrity within, all foundations or other entities which are established by The Cadet Foundation or any related entities for the benefit of VMI Cadets, Alumni, *The Cadet* newspaper and The Cadet Foundation and bear their names.
- b. The Cadet Foundation is solely responsible for the hiring and all personnel matters relating to their employees. Cadet Foundation employees are not VMI or state employees. The Cadet Foundation is solely responsible for the conduct of and all matters relating to the liability of acts committed by their employees.
- c. The Cadet Foundation is responsible for the solicitation of funds from donors as well as the marketing, communications, and support efforts attendant to those efforts including compliance with any donor restrictions. The Cadet Foundation may request support from the VMI officials enumerated above.
- d. The Cadet Foundation is responsible for all matters pertaining to their status as a non-profit organization, to include state and federal income tax filings and other legal matters affecting their status.
- e. The Cadet Foundation is responsible for any investment of funds received, the accounting of those funds, the disbursement of those funds, compliance with any matters relating to the intent of donors, if applicable, and the establishment of any necessary “spending rates” on any of its endowment funds.
- f. The Cadet Foundation is responsible for the development and execution of its own internal

operating budget, including the operation and maintenance of the Cadet Foundation, as well as its personnel matters.

- g. The Cadet Foundation is responsible for all contractual matters and agreements as well as attendant liabilities from them in any contract or procurement obligation to which it is a party.
- h. Subject to their availability, the President of The Cadet Foundation and/or his/her designee will attend open meetings with the Superintendent and staff in order to provide and receive information of mutual interest.
- i. Subject to their availability, the President of The Cadet Foundation and/or his/her designee will attend open meetings of the VMI Board of Visitors and provide information to the Board in matters pertaining to *The Cadet*, The Cadet Foundation and other matters as requested by the Board.
- j. The President of The Cadet Foundation and/or his/her designee will brief the Board of Visitors at least annually on its programs with cadets and alumni in support of its mission.
- k. The Cadet Foundation, as publisher of *The Cadet*, is responsible to ensure *The Cadet* staff adheres to laws regarding defamation, privacy, and intellectual property including ensuring the accuracy of their reporting and compliance with federal and state regulations, including, without limitation, those governing advertising practices and copyright law (17 U.S.C. § 101 et seq.).
- l. Subject to their availability, the President of The Cadet Foundation or his/her designee will attend meetings with the Superintendent and staff in order to provide and receive information of mutual interest.
- m. Subject to their availability, the President of The Cadet Foundation governing board or his/her designee will attend open meetings of the VMI Board of Visitors and provide information to the Board in matters pertaining to the Cadet Foundation.
- n. Subject to resources available and VMI's agreement to comply with The Cadet Foundation's transparency, accountability and ethical standards, The Cadet Foundation may receive requests for material and non-material support for programs affecting cadets at VMI.
- o. The Cadet Foundation owns and is responsible for maintaining the intellectual and all other rights to *The Cadet* newspaper as its publisher.
- p. *The Cadet*, at the sole discretion of the cadet editors, may maintain a relationship with faculty and/or other advisors of their own choosing IAW the current version of *The Cadet* Charter and Operating Plan, VII. Roles, Responsibilities and Functions of *The Cadet* VMI Faculty Advisor. Any advisor shall adhere to the College Media Advisers Code of Ethical Behavior established by the College Media Association as well as the Society of Professional Journalists' Code of Ethics.

- q. *The Cadet* staff will abide by VMI's General Orders except as exempted in this MOU or in cases where those General Orders limit the operation of the Free Press or violate cadet first amendment rights and/or federal and/or state laws covering journalists in general, student Journalists, newspaper, and/or news organizations. They will be given exception to the General Orders and Memorandums in so much as required to exercise their First Amendment and other Constitutional Rights for the production of the newspaper and may be found reasonable by the Editor-in-Chief(s). Examples of such include, without limitation, funding, fundraising, the ability to take photographs and videos of VMI and its activities, use and control of all *The Cadet* social media and/or online accounts (e.g. Instagram, Twitter, X, Facebook, LinkedIn, ePublication site, etc.) and proliferation of its associated media posts, utilization of VMI information network assets (email, internet, archives), etc. The Board of Visitors and Commandant's Office will be advised of any needed exemptions.
  - r. Use of internet access provided by VMI shall be in compliance with GO 50 (Acceptable Use of VMI Information Systems Policy) including unrestricted monitoring stated therein by VMI provided all private organizations and individuals occupying or utilizing VMI facilities are required to also comply and that all VMI MOUs are updated to include this restriction. *The Cadet* may procure its own internet service provider at its own expense. VMI Facilities Management staff will provide access and support to contractors for the installation of this service to the designated office space for *The Cadet*.
  - s. The Cadet Foundation and *The Cadet* may share media such as photo and video with VMI for the mutual benefit of both organizations covering VMI and telling the VMI Story. This may include, upon mutual agreement cadets from the staff who are photographers, drone pilots (with their drones), videographers. and others.
5. **Restrictions on Service:** Members of the VMI Board of Visitors are prohibited from serving simultaneously on the Board of Directors of The Cadet Foundation. VMI officials and members of the VMI Board of Visitors may participate in activities of The Cadet Foundation in an *ex officio* status, or as a liaison, advisor, or group representative as long as they do not have voting privileges or otherwise participate in the management and control of The Cadet Foundation.
  6. **Exclusivity:** This MOU is designed as an "overarching" agreement between VMI and The Cadet Foundation. It does not replace or preclude other agreements between VMI and The Cadet Foundation. To the extent that another provision in another MOU is in conflict with any of the matters contained in this MOU, this MOU will have precedence.
  7. **Time Period, Modifications, and Rescission:** The effective date of this MOU is the date upon which the last signatory signs this document. It is the intent of all signatories that this agreement remains in existence indefinitely. It may be modified upon agreement between the parties following notice given by the moving party. Either Party ("VMI BOV" or "The Cadet Foundation") may terminate this Memorandum of Understanding ("MOU") in whole or in part for cause upon providing written notice to the other Party if the other Party materially breaches any of its obligations under this MOU and fails to cure such breach within thirty (30) days after receiving written notice of the breach from the non-breaching Party. For the purpose of this MOU, "Cause" is defined as failure to comply with any applicable laws, regulations that relate to the activities outlined



in this MOU; fraud, dishonesty, or any action that significantly damages the reputation or interests of the other Party; insolvency or bankruptcy of either Party; or any other action or inaction by a Party that undermines the goals and purpose of this MOU or creates a substantial risk of harm.

8. **Survival of Provisions:** Notwithstanding the termination of this MOU, any provisions that by their nature should survive termination (including confidentiality, indemnification, the Cadet permit, and dispute resolution provisions) shall continue in effect after termination.

FOR THE VIRGINIA MILITARY INSTITUTE:

\_\_\_\_\_  
John Adams  
President  
VMI Board of Visitors

Date: \_\_\_\_\_

FOR THE CADET FOUNDATION:

  
\_\_\_\_\_  
Col. (Ret) Robert C. Morris, Jr.  
President  
The Cadet Foundation

Date: December 18, 2024

**Enclosure 3 – Revised Permit for *The Cadet***

Revised Permit with changes accepted

**FOR SIGNATURE**

**VIRGINIA MILITARY INSTITUTE CORPS OF CADETS**  
**LEXINGTON, VA 24450**

COMMANDANT (540) 464-7313

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DATE

MEMORANDUM FOR VMI Corps of Cadets

**Subject:** STANDING PERMIT FOR *THE CADET* NEWSPAPER

- 1. ELIGIBILITY:** All member of *The Cadet* staff as designated by the Editor-in-Chief(s).
- 2. PRIVILEGES:**
  - a. All members of *The Cadet* staff as dictated by the Editor-in-Chief and reflected in the staff roster, as well as contributors who fall within the requirements outlined in Group 3 below, are eligible for privileges.
  - b. Group 1: Editors including, but not limited to Editor-in-Chief, Executive Editor, Managing Editor, Features Editor, Sports Editor, Opinion Editor, Layout Editor, Distribution Manager, and other editors as may be designated by *The Cadet* Editor-in-Chief based on needed positions and changes to the staff structure.
    - i. Optional SRC the Day Prior to Finalization.
    - ii. Optional BRC with Hay down the Day of Finalization.
    - iii. Optional SRC the Day of Finalization.
    - iv. The Editor-in-Chief may award additional Optional BRC with Hay down to Group 1 staff members up to two times a week as required to meet critical operational requirements and/or publication timelines.
    - v. One Regular Weekend or (2 Optional BRCs with Hay down or Optional SRC) per month.
    - vi. Should issues with printing arise, cadets may use an authorized Privately Owned

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Vehicle (POV) in county in order to take the paper to the printer, or any other urgent matters as approved by the Editor-In-Chief. They must travel directly to and from their destination.

- vii. Authorized to be absent from post and/or military duties from time to time for periods as required to perform functions required to write, publish, sell advertising, distribute or manage *The Cadet* to include, without limitation, cover events, represent *The Cadet* at off-post activities, business operations, writing and/or publication activities, conferences, meetings, or other activities as may be required and approved by the Editor-in-Chief on a case by case basis. Cadets will sign out on *The Cadet* permit as detailed herein and are required to travel directly to and from the event.
- c. Group 2: Staff Writers, Photographers, Distribution Team
- i. Optional SRC the Day Prior to the Submission Due Date.
  - ii. Optional BRC with Hay down the Day of the Submission Due Date.
  - iii. One (1) Regular Weekend or two (2) Optional BRCs with Hay down or one (1) Optional SRC per month.
  - iv. Authorized to be absent from post and/or military duty from time to time for periods as required to cover events for, or represent *The Cadet* at, as may be required and approved by the Editor-in-Chief on a case-by- case basis . Cadets will sign out on *The Cadet* permit as detailed herein and are required to travel directly to and from the event.
  - v. Distribution Team Only: Optional BRC with Hay down the day after distribution.
- d. Group 3: Significant Contributors

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- i. *Single acceptance of 1,000 words or when a cumulative total of 1,000 words is reached: One (1) Optional BRC w/ Hay down or one (1) Optional SRC to be used during the week of publication.*
- ii. *Acceptance of a single article totaling 3,000 or more words: One (1) Regular Weekend or two (2) Optional BRCs with Hay down or one (1) Optional SRC.*
- iii. *Authorized to be absent from post and/or military duties from time to time for periods to cover events for, or represent *The Cadet* at, as may be required and approved by the Editor-in-Chief on a case-by-case basis. Cadets will sign out on *The Cadet* permit as detailed herein and are required to travel directly to and from the event.*

**3. PRIVILEGES BASED ON HOURS:**

- a. Members of The Cadet staff who perform non-writing functions (Business management activities, distribution, advertising, operations, etc.) are authorized privileges based on hours worked. These rewards are given for number of hours worked on the paper and on related tasks. These hours must be spent working, and Cadets are on their honor about actual working time. A personal log of hours will be kept by Cadets, and will notify the EIC when they wish to exercise their privilege(s).
- b. 4 Hours -Haydown (not to exceed two per week, not on Monday)
- c. 6 Hours - Optional BRC and Haydown (not to exceed two per week, not on Monday)
- d. 12 hours - Regular Weekend Extension (not to exceed two per semester)
- e. 14 hours -Regular Weekend (not to exceed two per semester)
- f. The EIC will be required to sign off and keep a log of all exchanges.

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- g. The privileges in Section 4 b., c. do not extend to the Editor-in-Chief, the Business Manager, or the Managing Editor.

**4. SIGN OUT PROTOCOLS:**

- a. When signing out on the associated privileges cadets must sign out "The Cadet". Cadets must sign out on the proper permit (e.g. OPT BRC/SRC, Regular Weekend, etc.)
- b. These privileges do not excuse cadets from mandatory duty unless in accordance with the standing VMI permits including *The Cadet* permit.
- c. Members of *The Cadet* are deemed "all right" for status checks when engaged in activities directly supporting *The Cadet* operations.

**7. GENERAL NOTES:**

- a. *The Cadet* Editor-in-Chief shall keep a running list of all privileges and authorized absences granted to newspaper staff in accordance with this permit.
- b. Up to six members of *The Cadet* staff are authorized to miss formation/march-down for NCAA events, parades, graduation, military duties and/or other VMI events and/or other activities to distribute newspapers at said events. Cadets' chain of command will be notified beforehand.
- c. Up to four members of *The Cadet* staff are authorized to miss formation/march-down for NCAA events, parades and other events and/or activities to photograph and/or video said events. Cadets' chain of command will be notified beforehand.
- d. *The Cadet* staff will receive services and resources from VMI as specified in the Memorandum of Understanding (MOU) with The Cadet Foundation.

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- e. PT Details – With prior approval from the Commandant’s Staff, the EIC or Business Manager will be authorized to grant 1 for 1 PT details for aid in distribution, circulation or maintenance of *The Cadet Offices*, Cadets may use hours worked for PT Credits, but they may not use saved hours to meet PT requirement. Any use of PTs will be signed for by the EIC, and those hours will not be available for redemption of privileges. All PTs must last for 60 minutes, or if a task is accomplished, the adjustment form must be walked into the Commandant’s Office with the EIC or Business Manager Approval.

OFFICIAL



LAWRENCE B. HAVIRD  
Colonel, US Air Force (Retired)  
Commandant of Cadets