

Joseph M. Spivey, IV

September 9, 2024

Mr. John D. Adams, President
V.M.I. Board of Visitors
Virginia Military Institute
P.O. Box 932
Lexington, VA 24450

Re: Board of Visitors Executive Committee meeting September 10, 2024

Mr. Adams, Members of the Committee,

This letter to the Committee adheres to my July correspondence to the full Board regarding the absence of a permit for cadets who are members of *The Cadet* newspaper. I respectfully request action be taken during the Board's scheduled September meeting instructing the administration to issue a permit to *The Cadet* newspaper's editors. The Board should direct the administration issue the permit not later than the end of the academic day Monday, September 16, 2024.

The administration develops and publishes the Institute's regulations, it controls the Corps' permit process, it manages cadet activities, and it is the final arbiter whether or not activities, clubs, or organizations receive a permit. As of today's date, only the administration can be faulted for the lack of a permit for the newspaper's staff. The administration has engaged in evasive and misleading behavior before the Board on this matter and has wasted too much of the Board's valuable time. For four years the administration has failed to reach an agreement with the newspaper's editorial staff. Over the course of these four years the story has frequently been the same. *The Cadet* newspaper's staff engages in discussions with members of the administration, either the Dean or Commandant. A tentative accord is reached. Then, without explanation the administration changes or levies new, different, or additional requirements on the editorial staff forcing a restart in deliberations.

Prior Boards enabled these false and avoidable actions by the administration. Despite numerous reminders from Alumni and notices from third-party organizations, some singularly devoted to college newspaper independence and First Amendment protection, the administration has used a variety of approaches to subvert the newspaper's rights and protections preventing it from effectively operating.

One issue in particular seems to have captured the attention of the administration. This issue is the newspaper's relationship with The Cadet Foundation. In his comments to the Board's executive committee on June 26 Superintendent Wins stated The Cadet Foundation as a 501(c)3 corporation operates "independent from VMI". General Wins' stated his understanding of the support The Cadet Foundation provided to the newspaper was one of "funding". Therefore, he stated a "firewall" would need to be placed in between The Cadet Foundation and the newspaper. From his statement he implied The Cadet Foundation could not provide funds to the newspaper.

Joseph M. Spivey, IV

However, on several occasions the administration directed the newspaper's editors to contact and engage the VMI Alumni Association ostensibly to serve as the newspaper's financial sponsor. Notably, both the VMI Alumni Association and its parent organization the VMI Alumni Agencies are, like The Cadet Foundation, 501(c)3 organizations. It is wholly inappropriate for the administration to mislead the Board of Visitors stating a particular 501(c)3 organization, The Cadet Foundation is unsuitable and requires a "firewall" if it is to work with the newspaper, while surreptitiously recruiting other 501(c)3 organizations to serve the same purpose.

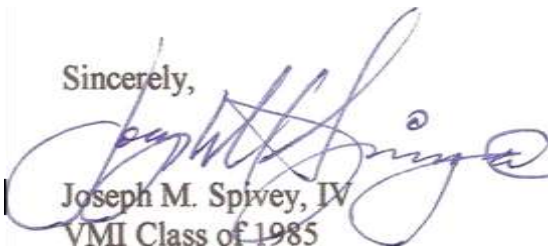
The matter of funding is very relevant and extremely important. The Cadet Foundation exists solely to support the newspaper. The Cadet Foundation does not have a contract or agreement with VMI. It provides funds to the newspaper regardless of the administration's position or opinion. This one-to-one relationship precludes any opportunity to withhold funds.

Conversely the VMI Alumni Agencies and the VMI Alumni Association do have an agreement with VMI binding them to the Institute. Under their agreement, it's plausible the Alumni Association or the Agencies, based on the administration's summary opinion and instruction, might withhold funds from the newspaper. Thus, using the Alumni Association or the Agencies would require numerous special protections guaranteeing *The Cadet* newspaper's funds are not withheld or co-mingled with other Alumni Agencies' accounts. These special protections would undoubtedly be more extensive and cumbersome than the simple arrangement the newspaper currently enjoys with The Cadet Foundation.

President Adams, Members of the Committee, this dispute has lasted far longer than necessary. Alumni Members will recall permits are used to request innocuous exemptions from military duty, such as, hay down, work/study after Taps, and occasionally absence from parade. The administration's protest that the newspaper's editors singularly shoulder the burden to put forth a workable permit is fiction. The administration cannot be seen as forthright when it states these diminutive matters are the cadets' responsibility and cannot be resolved.

For four years the administration has been unwilling to work with *The Cadet* newspaper's editors and issue a permit. Because the administration controls all agency over cadet permits, I submit they have squandered their authority on this matter. I implore the Board of Visitors to direct the administration to Approve and Issue a permit to *The Cadet* newspaper's editors. The permit shall be based on the editors' most recently submitted edition/version without edit, clarification, caveat, or conditions. At this juncture, only a document wholly representing the perspective of *The Cadet* newspaper's editors and staff will enable them to photograph, write, and publish the best independent college newspaper in the country, winning more awards, while enhancing VMI's reputation.

Sincerely,



Joseph M. Spivey, IV
VMI Class of 1985