



**The Honorable Aimee Rogstad Guidera**  
Commonwealth of Virginia, Secretary of Education

**The Honorable Jason Miyares**  
Commonwealth Attorney-General

Patrick Henry Building  
1111 East Broad Street, 4th Floor  
Richmond, Virginia 23219

August 23, 2023

Dear Secretary Guidera and Attorney-General Miyares:

We write to express our deep concerns about the clear and deliberate acts by the Virginia Military Institute (VMI) administration, and some members of its Board of Visitors, to: 1) restrict freedom of speech and viewpoint diversity at VMI; 2) work with and/or influence the media to publicly discredit and/or punish their own cadets exercising those constitutional rights through their student newspaper; and 3) seek to conceal their unethical and/or potentially unlawful activities that also may be in direct violation of VMI's General Order(s).

As you are aware, one of Governor Youngkin's appointees to the VMI Board of Visitors (BOV), Mr. Teddy Gottwald '83, challenged the VMI administration actions during the July 13, 2023, BOV Executive Session. During this session, recorded by a member of the public, the BOV President, Mr. Tom Watjen, supported by the superintendent from whom Mr. Watjen sought "his agreement," set forth a plan to deliberately use "quorum walking" for a series of meetings with the superintendent and select BOV members. We believe his intent for doing so is to avoid the session being public.

As you are also aware, on or about August 7, 2023, Mr. Watjen publicly announced he "asked the assistant attorney general [Mr. Patrick O'Leary] assigned to VMI by the state's Attorney General to look into these matters and report back to the full Board of Visitors during the closed session at the September board meeting." We applaud the actions of Attorney-General Miyares' office in recognizing Mr. O'Leary's conflict of interest and disapproving his participation.

You may also be aware that in his August 16, 2023, update posted to the VMI website, Mr. Watjen announced "we have chosen to handle this matter in the normal course of business, and I am **discussing with Maj. Gen. Wins his plans for doing so.**" [emphasis added] We now understand that "plan" is for the cadet editors to report to the superintendent. The subject of the meeting and other attendees are unknown. Are all BOV members aware of this? Why must the cadets be singled out and speak only to the superintendent or those chosen by him? Why can they not speak to the entire BOV and in a public session? If the investigation is truly into VMI's actions as outlined above, why would the cadets be called in?

A number of alumni, cadets, parents and members of the public initiated a petition that will soon come to you asking to protect the rights of cadets and for the BOV, under its statutory responsibility, to conduct the full, objective and transparent investigation. VMI's actions to date show they are using every tactic to avoid such a review and accountability. In just two weeks this petition already has over 2,000 signatures, hundreds of sponsors, over 62,000 views and is increasing daily. **This is an issue that could get national attention, and the administrations response, or lack thereof, with it.**

We are deeply concerned that the BOV President has taken it upon himself to bypass the authority of the BOV and pursue this matter unilaterally with the superintendent. Such a precedent that directly undermines the governor's policy that his BOV appointees excise full governance and oversight over Virginia's state colleges and universities is troubling. It appears VMI "needs a reminder".

While we have full confidence in the courage of these cadets to "speak truth to power" these actions by the BOV President and Maj. Gen. Wins do not, in any way, address actions by Maj. Gen. Wins' administration in this matter. They the cadets at risk for a repeat of the intimidation and hostile environment the former Cadet editor experienced at the hands of Maj. Gen. Wins and his staff. Attached to this letter at enclosure 1 (**below**) is a summary of those events previously provided by the cadet involved to FIRE and, through the cadets' attorney, to the Virginia Attorney-General's Office. After reading the enclosure, can anyone say Maj. Gen. Wins, or any of his staff, are objective in this matter? Can anyone feel comfortable with the superintendent engaging with the current cadets until this matter is resolved by an independent investigation?

We firmly believe from their actions that neither Maj. Gen. Wins, nor BOV President Watjen, have any intent to investigate VMI's actions in this matter but rather, once again, to target cadets and attempt to bend them to their will while seeking to separate them from, or eliminate completely, The Cadet Foundation. VMI's Director of Communications, Col. Bill Wyatt, who should be the subject of any investigation as the one responsible for the controversy remains involved in messaging to the public. Col. Wyatt also remains VMI's focal point for information any investigation will need and, as the FOIA officer, also controls what is released to the public.

**We find Mr. Watjen's and Maj. Gen. Wins' plan unacceptable.**

**We request assurances the full BOV is aware of Maj. Gen. Wins' actions in this matter, and they are involved in any investigation. If Maj. Gen. Wins must meet with cadets, we request the cadets are accompanied by, at a minimum, a BOV member of their choosing, and legal counsel, if they so desire. We also request the meeting be recorded and distributed to all interested parties.**

**We also request Governor Youngkin's administration impress upon the BOV President the expectation that the BOV will conduct a full, open, transparent and impartial investigation of the events and not target cadets.**

For the administration and Board of Visitors of **any** Virginia College or University to resort to these actions, using media sympathetic to their agendas in order to attack their own students and alumni is unacceptable. Virginians have widely varying views on issues and **all** should have the opportunity to freely question and challenge their public bodies. This is truly a bi-partisan issue.

We look forward to your immediate response.

Sincerely,



*Charles Davis*  
Charles Davis  
President, Alumni Free Speech Alliance\*



*Thomas R. Rideout*

Tom Rideout  
Chairman  
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Washington & Lee University



*Thomas M. Neale*

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*Jeff Bolander*

Jeff Bolander  
The Madison Cabinet for Free Speech  
James Madison University



*Robert C. Morris, Jr.*

Robert C. Morris, Jr.  
President  
The Cadet Foundation  
Virginia Military Institute

\* The Cadet Foundation, The Generals Redoubt, The Jefferson Council, and The Madison Cabinet for Free Speech are the Virginia affiliates of the Alumni Free Speech Alliance (AFSA) together working with Cornell Free Speech Alliance, Davidsonians for Freedom of Thought & Discourse, Princetonians for Free Speech, Alumni/Alumnae Coalition for Lafayette, MIT Free Speech Alliance (Massachusetts Institute of Technology), Alumni for the Wofford Way, Fight for Yale's Future, UNC Free Speech Alliance, Open Discourse Coalition (Bucknell), Harvard Alumni for Free Speech, Stanford Alumni for Free Speech and Critical Thinking, Macalester Alumni of Moderation ("Mac Mods"), Madison Cabinet for Free Speech and Accountability (James Madison University), Boston University Free Speech Alliance, Columbia Free Speech Alliance, Cal Free Speech Movement (University of California, Berkeley), Michigan State Alumni for Free Speech, and Bruin Alumni in Defense of Free Speech

**CF:** Governor Glenn Youngkin  
Virginia Military Institute Board of Visitors  
Editorial Staff, *The Cadet*  
Alliance Defending Freedom  
Student Press Law Center  
Foundation for Individual Rights and Expression (FIRE)

**Enclosure 1 - EXCERPT FROM SUPPORTING FIRE COMPLAINT DOCUMENTATION:**

"On April 25, 2022, while cadets were in the highly stressful environment of preparing for their final exams, Cadet Mansfield, who himself was working hard to graduate in May, was called to the Commandant's Office without prior notice or any indication of the reason. Once he arrived in the Commandant's office, Col. (Ret) Bogart asked Cadet Mansfield if he was in possession of a cell phone. After Cadet Mansfield confirmed he was, Col (Ret) Bogart ordered him to leave the cell phone in the office and said "Were going to see the Superintendent" and escorted Cadet Mansfield out of the VMI barracks and across the parade field toward the VMI Main administration building in Smith Hall. In response to Cadet Mansfield's question as to where they were going, the Commandant replied they were on their way to meeting with Maj. Gen. Wins and would not provide any other details. On arrival in the superintendent's office, Cadet Mansfield was confronted by Maj. Gen. Wins (Superintendent), Col. Bill Wyatt (Communications Director) and Col. Adrian Bogart (Commandant). Cadet Mansfield said after the meeting that he felt that the environment was hostile and designed to intimidate him, exemplified by the following summary of statements by Maj. Gen. Wins:

- Maj. Gen. Wins asked Cadet Mansfield if he had any recording devices or his cell phone in his possession. After Cadet Mansfield stated he did not, Maj. Gen. Wins stated, "I do not consent to be recorded" demonstrating a deliberate attempt to ensure no recording was made of the conversation and that the three members of the administration in the room could dispute any recollection of the events Cadet Mansfield may express in the future.
- Maj. Gen. Wins stated that 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.
- Maj. Gen. Wins and Mr. Wyatt pressured Cadet Mansfield to publish, without change, the Institute's OP-ED on the CCC, including what the editorial staff identified as false and/or derogatory information on one alumni mentor, as well as other false statements including, but not limited to, statements all the reporting was in error.
- Maj. Gen. Wins accused the newspaper and its staff of being politically biased in their reporting, 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 newspaper, provide it a permit for basic cadet privileges, or offer any other support to it unless cadets and the newspaper "severed all ties" with both alumni and The Cadet Foundation, and agreed to come under a faculty advisor appointed and/or approved by the administration.
- Maj. Gen. Wins stated the cadets must also sever ties specifically with Col (Ret) Morris from the class of 1979 as another condition for recognition as an approved student activity.
- Maj. Gen Wins stated he personally counted the number of confederate flag images in the VMI Class of 1979 yearbook, resulting in the number nine. Cadet Mansfield inferred from this statement that Maj. Gen. Wins considers Col (Ret) Morris and his class to have racism issues.

"Despite the situation he was placed in and the superintendent's actions, Cadet Mansfield personally, and repeatedly, reaffirmed to Maj. Gen. Wins, and the others present, that cadets had full editorial control of *The Cadet* and that cadets write the articles published without influence. He also repeatedly affirmed that the editors are the ones who make all editorial decisions. These

were the same statements Cadets Mansfield and Malazo made repeatedly to Mr. Patrick O’Leary, VMI’s legal counsel in a October 8, 2022 video call.” [a transcript is available upon request]