



RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS ALUMNI FREE SPEECH ALLIANCE (AFSA)

Calling for Immediate Federal Intervention to Address State Encroachment, Governance Failures, and Command Integrity Risks at the Virginia Military Institute and future risks to all Virginia State Colleges and Universities.

WHEREAS, the Alumni Free Speech Alliance (AFSA) is a non-partisan, non-profit organization committed to safeguarding constitutional norms in higher education and promoting transparent, impartial, and lawful governance by boards of visitors and trustees, particularly where public institutions intersect with federal authority;

WHEREAS, the Virginia Military Institute (VMI) is a federally recognized Senior Military College (SMC) whose core function includes the education and commissioning of officers for the United States Armed Forces pursuant to Title 10 of the United States Code, placing it within the national defense architecture rather than ordinary civilian higher education;

WHEREAS, under the Constitution and federal law, primary authority over the standards, readiness, and institutional integrity of officer-producing military programs resides with the Department of War, and not with state legislatures acting unilaterally to restructure military governance;

WHEREAS, Article VI of the United States Constitution establishes the Supremacy Clause, under which federal authority over the raising and support of Armies, the commissioning of officers, and national defense functions may not be impaired by unilateral state restructuring of institutions integral to the federal military officer pipeline;

WHEREAS, pursuant to Title 10 of the United States Code, Senior Military Colleges occupy a federally recognized role in the training and commissioning of officers for the Armed Forces of the United States, creating federal reliance interests in the institutional stability, governance integrity, and commissioning capacity of such institutions;

WHEREAS, House Bill 1377 directs evaluation of whether VMI should continue as a state-sponsored institution and whether its officer-producing role could be replaced by other institutions, thereby directly implicating federal military readiness, commissioning pipelines, and national defense planning;

WHEREAS, VMI receives federal funding and participates in federal programs, including but not limited to Title IV student financial aid, Reserve Officers' Training Corps agreements, and

potentially Department of War and other federal grants, creating contractual and regulatory relationships subject to federal oversight;

WHEREAS, legislative actions compelling institutional disclosures, audits, and restructuring may raise concerns under the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and 42 U.S.C. §1983;

WHEREAS, any restructuring that materially affects the commissioning, governance, or operational independence of a federally recognized Senior Military College may trigger federal preemption, contract impairment concerns, and national security review obligations;

WHEREAS, as amended by the House Committee, House Bill 1374 no longer dissolves the Virginia Military Institute's independent Board of Visitors but instead restructures its statutory composition by eliminating the long-standing alumni majority, capping alumni representation at no more than eight of the 16 appointed members, and removing the requirement that a majority of alumni members be residents of the Commonwealth, thereby materially reducing guaranteed representation of Virginia-based alumni who understand and have direct knowledge of the VMI experience, it's ethos and founding principles essential to the effective governance of the Institute its continued mission producing citizen-soldiers in;

WHEREAS, as amended by the House Committee, House Bill 1374 deliberately reduces the requirement for VMI Board members to be citizens of Virginia and could result in no VMI alumni appointed to the board;

WHEREAS, the amended bill further requires that at least six members be non-alumni Virginia residents and at least five members possess senior-rank United States military experience, shifting the statutory balance of the Board away from alumni-led institutional stewardship toward a composition more directly shaped by gubernatorial discretion and external appointment criteria and ideology;

WHEREAS, although the amended bill preserves VMI's separate legal status and Board of Visitors, the restructuring of board composition represents a significant alteration of the Institute's historic governance framework, raising concerns about diminished alumni influence, reduced continuity of Commonwealth-based representation, and potential long-term impacts on institutional stability, tradition, and strategic direction from ideological and political agendas that may not be in the best interest of The Institute's production of citizen-soldiers and the nation;

WHEREAS, House Bill 1374 contains no requirement for consultation or coordination with the Department of War, the military departments, or federal commissioning authorities, despite its direct impact on an officer-producing institution relied upon by the Armed Forces;

WHEREAS, House Bill 1377 simultaneously advances a narrative that the removal of Superintendent Maj. Gen. Cedric Wins followed his efforts to address institutional misconduct, using that narrative to justify extraordinary legislative intervention into VMI's governance;

WHEREAS, House Bill 1377 conspicuously excludes any inquiry into whether unconstitutional retaliation, suppression of protected expression, or governance failures by VMI leadership or governing authorities materially contributed to the leadership dispute it cites;

WHEREAS, the combined effect of HB1377 and HB1374 is to assert sweeping state control over a federally significant military institution while selectively insulating constitutional compliance and retaliatory governance practices from examination;

WHEREAS, such selective legislative framing undermines the credibility of state oversight, threatens federal reliance interests, and necessitates independent federal review;

WHEREAS, the Department of Justice Office for Civil Rights and the Department of Education Office for Civil Rights possess statutory authority to investigate whether VMI's policies and practices violate federal civil rights obligations applicable to public institutions;

NOW, THEREFORE, BE IT RESOLVED that the Executive Committee of the Board of Directors of the Alumni Free Speech Alliance:

1. **Affirms** that state legislation restructuring or subordinating a federally recognized Senior Military College must yield to federal authority and may not impair the Department of War's prerogatives over military standards, command integrity, and officer development.
2. **Finds** that HB1374 represents an unprecedented and impermissible intrusion into the governance of an officer-producing institution upon which the United States Armed Forces rely.
3. **Determines** that the leadership disputes cited in HB1377 cannot be responsibly evaluated without examining whether unconstitutional retaliation and governance failures were contributing factors deliberately excluded from state review.
4. **Calls upon** the Secretary of War to immediately assess whether HB1374 and related legislative actions constitute encroachments on federal military authority or threaten the integrity of VMI's federal mission as a Senior Military College.
5. **Requests** that the U.S. Department of Justice Office for Civil Rights investigate whether retaliatory or unconstitutional governance practices at VMI have violated federally protected rights.
6. **Requests** that the U.S. Department of Education Office for Civil Rights evaluate whether VMI remains in compliance with federal civil rights obligations applicable to public institutions of higher education receiving federal support.
7. **Reaffirms** that boards of visitors and institutional leaders at military colleges bear a heightened duty to uphold constitutional norms and federal authority, and that failures of governance may not be shielded through selective legislative narratives.
8. **Calls upon** the United States Department of War to review whether HB1374, HB1377, or related legislative actions materially impair VMI's status as a Senior Military College under Title 10 or disrupt federal officer procurement and commissioning pipelines;
9. **Requests** that the United States Department of Justice evaluate whether the legislative measures and related governance actions raise concerns under the Supremacy Clause, the

First Amendment, the Equal Protection Clause, Title VI, Title IX, or other federal civil rights statutes;

10. **Requests** that the appropriate federal agencies review all existing federal funding streams, ROTC agreements, research grants, training contracts, and regulatory relationships with VMI to determine whether pending state legislative actions impair federal contractual rights or conditions of funding;
11. **Calls** for a formal federal assessment of whether replacement of VMI's commissioning role, as contemplated in HB1377, would compromise national defense readiness or undermine Congress's Article I authority to raise and support the Armed Forces;
12. **Directs** AFSA leadership to transmit this Resolution to the Department of War, the Department of Justice, the Department of Education, the Governor of Virginia, the Virginia General Assembly, and the VMI Board of Visitors, and to make it publicly available in furtherance of AFSA's mission.

Adopted by the Executive Committee of the Board of Directors of the Alumni Free Speech Alliance on February 11, 2026.

Sincerely,

Thomas M. Neale

Thomas M. Neale
Chair
The Alumni Free Speech Alliance
<https://joinafsa.org/>