

The Rockbridge

ADVOCATE

"INDEPENDENT AS A HOG ON ICE"

VOL. 31, NO. 2

\$4.00

APRIL 2022

VMI goes to war over revived cadet newspaper

With the help of an alum, cadets restarted the institute's student newspaper. The school has disowned it, and is threatening to start its own.

On his first day in office, Virginia Governor Glen Youngkin posted a picture of himself wearing a bright red *The Cadet Newspaper* vest with a VMI logo on it.

"We thought we were getting VMI good press," says the paper's co-editor, James Mansfield, a senior majoring in history and international studies.

A couple of days after the picture was posted, VMI's head of marketing and communications, Col. Bill Wyatt, sent a cease and desist letter to Bob Morris, the VMI alum who is the driving force behind the foundation that is helping bankroll and mentor the paper.

"It has come to my attention that The Cadet Foundation and/or *The Cadet Newspaper* are using VMI's logo in violation of federal copyright law," says the letter. "VMI's logos and marks are trademarks of the Virginia Military Institute. The Cadet Foundation and/or *The Cadet Newspaper* are not authorized to use or reproduce them. ... Additionally, unauthorized use of VMI's logos and marks in conjunction with The Cadet's marks is a violation of the federal Lanham Act as it suggests a false affiliation exists between the two entities.

"We would respectfully request than any promotional material, including apparel, that The Cadet Foundation or *The Cadet Newspaper* has created and contains VMI's

logos and marks be destroyed."

Morris has no plans to ask the governor to return or destroy the vest. Neither does the paper staff. Instead, the paper gave Wyatt a wet blanket award for "threatening *The Cadet*, cadets and The Cadet Foundation for creating the impression of a false affiliation between VMI and *The Cadet*. As the independent voice of the Corps and Alumni since 1871 all the way through becoming a newspaper in 1907, our paper has been a revered institution independent from any organization at VMI. We have not, are not, and never will exist under your administration for a reason. That is the only way we can elevate the real voices of Cadets and Alumni in a free and equitable manner. BTW, we'll tell Governor Youngkin you want him to take his vest off."

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VMI NEWSPAPER, from page 1

School officials have been battling with the paper — and Morris — since the newspaper was revived last spring in time for graduation. Morris is a 1979 graduate of the school. He is the president and CEO of the Center for Applied Innovation. (The company submitted a bid for the contract to investigate racism and sexism at the school, and sued the state over the award of that contract to Barnes & Thornburg.)

Before and after Morris graduated, the school administration and the paper have a long history of being unhappy with each other. Sometimes the fights have been over what the administration considered tastelessness in the paper. Other times they've been more serious, such as when the superintendent ordered the editor fired after an editorial supporting integration at the school appeared in the 1950s.

VMI's student newspaper was arguably the oldest such publication in the country when it ceased publication in 2016.

It was reborn, Mansfield says, when "the word got around that the Class of 2021 wanted a graduation edition." That word made its way to Morris, who worked for the paper when he was in school.

He established The Cadet Foundation, and found some others, including the editorial page editor of the St. Louis Post Dispatch, Tod Robberson, and News-Gazette publisher Matt Paxton, to provide advice. Morris's name is listed as "mentor and alumni editor" on the paper's masthead. But he and Mansfield both insist that the control over the paper's contents belongs solely with the cadets.

Unlike the old paper, the new one is not considered a club by the school; nor does it want to be. It doesn't receive funds from the school. It doesn't have a faculty advisor, and it doesn't have a permit which would allow cadets to take more time to work on it.

Mansfield says the paper doesn't want to be a school-sanctioned club, because that would give the school control. And it hasn't asked for school funds or a faculty advisor. It has requested a permit, but so far those discussions have gone nowhere.

Instead, the school, according to Morris, refused to grant a permit that would have enabled cadet reporters to cover Youngkin's inaugural ball, despite alums having booked hotel rooms and transportation for the event. (Morris says the school cited snowy roads as the reason.)

Late last summer, long before the inauguration, the newspaper staff arranged for free copies of the paper to be available at the Chamber of Commerce table during a matriculation fair. What happened next is told in an open letter the paper published to VMI's Chief of Staff. "You

contacted the Chamber to stop distribution telling them we were not 'sanctioned' by VMI. The Cadet Foundation joined the chamber so papers could be distributed. A member of the Commandant's staff removed and hid the papers.

"Where is your honor? How far will you go on your crusade to denigrate the hard work, ingenuity, and pride shown by the cadets that write this paper? We ask these questions because we have faced nothing but admonition from you since we began to publish. Our negotiations, at present, include a meeting with VMI's lawyer (appointed by the Virginia Attorney General's Office) and four separate conferences with the Commandant; in all these sessions our goal was to find a solution that catered toward VMI's needs and preserve the independence of *The Cadet*."

The letter goes on, slightly edited, as follows:

After the 2021 graduation issue, in July, members of *The Cadet* staff met with the new Commandant after being told there would be no newspaper without his personal approval. Instructions were given to submit a charter and a permit. It was said that they would be expeditiously approved without *The Cadet* needing to become a club. Although the Commandant expressed verbal approval, both were denied. We asked for the reasons why and none were given. ...

We met with your attorney and repeatedly confirmed to him that we, as cadets, were running the paper and had complete editorial control. All agreed we would meet with the Commandant to assure him of that and move forward with the permit to restore *The Cadet's* traditional privileges. Your attorney agreed all alleged trademark and related issues would be resolved by making the font for our existing disclaimer larger and posting part of it at the top of our masthead. We did so in our next issue.

In good faith we then had three meetings with the Commandant, and we were assured that we would not be required to be a club. After these meetings, we were asked to submit a permit that would restore *The Cadet's* traditional privileges. The ability to continue our work with reasonable accommodation and a working relationship with VMI seemed within reach.

A meeting was then set on January 31, 2022, between us, the Chief of Staff, the Superintendent's Executive Officer, the Communications Officer, and the Chief Operating Officer (COO) of the VMI Alumni Association. ... However, this meeting was canceled by the Chief of Staff's Office on short notice. When we inquired about the prompt cancellation to see if there was a miscommunication and possibly reschedule, we were told that no meeting was necessary — not even a day after this exchange, the entirety of VMI received an email in which you denounced us, questioned our honor, and cast aspersions on how we manage funds from donations, subscriptions, and other support.

You bashfully asserted that you supported our First Amendment rights to shield yourselves from legal scrutiny while continuing a deliberate campaign attempting to discredit us, denying us basic privileges, and spreading false information about us and *The Cadet* to include, but not limited to, firmly asserting that we had no affiliation with VMI and that our views were not reflective of the Corps of Cadets. ... You have made it very clear that we are not

sanctioned, however, the latter point that we are falsely representing ourselves as the restart of *The Cadet* and in no way represent the Corps of Cadets crossed the line.

The note that triggered the open letter came from Chief of Staff Dr. J.M. "John" Young. It says, in part, the following:

VMI wholly supports its cadets' First Amendment rights to free speech. VMI in no way seeks to inhibit or restrict any cadet's right to exercise free speech through any and all available venues to include producing, editing or contributing to any publication, whether or not it is affiliated with, or supported by VMI.

In May 2021, VMI and the VMI Alumni Agencies first became aware that a newspaper titled "*The Cadet*" was being circulated on the VMI post during commencement. A single alumnus was the driving force behind this publication. The newspaper has in its tagline, "The Independent Voice of the Corps and Alumni since 1871" and describes itself as "an independent student publication created by cadets and alumni independent of VMI." Despite any such assertions through the use of the VMI acronym and unauthorized use of VMI's trademarked logos and marks, *The Cadet* newspaper is in no way affiliated with or authorized by the Virginia Military Institute, the Corps of Cadets, or the VMI Alumni Agencies.

In addition, the paper has no affiliation with the previously published "V.M.I. Cadet" or any newspapers

published by the Virginia Military Institute as a cadet club activity between 1871 and 2016. Articles and opinions appearing in the current version of *The Cadet* are those of the authors and do not reflect the opinions or positions of the Virginia Military Institute, the Corps of Cadets, or the VMI Alumni Agencies. Furthermore, any solicitation of funds, advertisements, subscriptions, and donations do not support any programs authorized by the Virginia Military Institute, the Corps of Cadets, or the VMI Alumni Agencies and are not subject to any of VMI's rigorous policies with respect to accountability.

"Our paper has constantly, and publicly, been accused of being a mouthpiece for alumni that disagree with the present administration," reads the paper's response. It goes on as follows:

This is a blatant falsehood; your contention with our organization is that we have an alumnus you dislike as our advisor. Recently you falsely told The Washington Post that *The Cadet* is really being run by a single alumnus although you knew this not to be true. It was only because The Post reporter called us directly to clarify your statement that this falsehood did not end up in the national media to disparage both that alumnus and us.

You have allowed your personal grievances with one alumnus to poison your interactions with us. By telling prominent members of the VMI community and all who will listen that we are only a puppet for outside forces which >

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until it's too late."*

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are hostile toward the Institute, you deprive us of our agency and downplay our capabilities. In your estimation we are just too simple to comprehend that we are being manipulated; it is an impossibility that a cadet could have any critical insights on the nature of their own experiences at VMI. Instead, we must be told what to think and what to do because there is no other explanation for our dissent."

If you really believe in the First Amendment and support the VMI ethos and VMI itself, you will:

1. Issue an apology and retractions of the false and misleading statements in your email.

2. Allow us to send our statement to all cadets, alumni, faculty, staff, journalists, and others the original email was sent to.

3. Cease your attempts to start an administration supervised and controlled newspaper while falsely passing it off as "cadet run".

4. Allow us to use VMI's email system and infrastructure to communicate with the Corps of Cadets.

5. Embrace the positive opportunity and example that *The Cadet* has always represented for VMI.

We will continue proudly publishing *The Cadet*, our paper, whether these demands are met or not. Our voice emanates from the Corps in perpetuity. Does yours?

■

VMI's powers that be, meanwhile, sent cadets a survey about the paper. "The purpose," it says at the top, "is to provide insight to Smith Hall on the effectiveness and reach of the current independently operated cadet newspaper that has no affiliation with VMI. These efforts will help inform future projects that could include bringing back an affiliated cadet-run publication with the funding and support of the Superintendent and Chief of Staff.

"This survey will not lead to actions that infringe on cadet's freedom of speech but will rather give a sense of the effectiveness of this type of communication within the Corps and other groups in the VMI community." It offered cadets a small incentive for taking it.

Most of the questions concern readership of the existing paper. But there's also this one: "If asked by an institute official, would you be willing to contribute to an article or opinion piece?"

And there is room for comments.

The Cadet took the bait, and printed several remarks concerning the establishment of a school-supported rival. A few of them read as follows:

"I do not think it would be accurate. We cadets have our own view but the commandant staff would mold the paper to fit their agenda, not true VMI."

"Cadets already get their time wasted by Smith Hall, why would we want to read their paper?"

"If I knew full-well that VMI staff had control over the official paper, I would not support it."

"I think that they only want to do that because *The Cadet* paper was challenging them."

And the paper has been challenging the administration, and didn't have any qualms challenging former governor Ralph Northam's diversity, equity, and inclusion mandates.

For instance, the paper "fact-checked"—Northam's December speech to the cadets. "If you haven't experienced

sexism or racism yourself—perhaps because you look like me—and you haven't paid much attention to what it looks like, you're going to have a very hard time recognizing it. Until you learn what it looks like. Until you learn how to see it," said Northam. The paper rated the statement as "false."

The paper has printed letters from cadets and alums criticizing the recent changes at the school.

It ran a survey that asked, "Do you trust the administration to keep and preserve the VMI ethos including the Honor Court, Ratline, and Corps system and to look out for the best interests of the Corps. About 85% of those who replied said, "No."

Co-editor Mansfield says the administration "is worried we're going to go off on some right-wing tangent to bring Stonewall back."

"We support their free speech," says Wyatt. "What the superintendent's problem with it is that it was being run by alum. It was started by an alum. The alum's name is on the masthead."

That alum, Morris, is listed in the paper as "mentor and alumni editor."

Both Morris and Mansfield insists that it's the cadets who run the show, and that the paper has rejected articles and suggestions from alums, including Morris.

Still, the school insists that Morris has control.

In October of last year, there was a zoom meeting to discuss the paper. On hand were VMI's lawyer, Morris, Mansfield, an attorney from the Student Press Law Center, the editorial page editor of the *St. Louis Post Dispatch*, and *News-Gazette* publisher Matt Paxton. (The Gazette has printed *The Cadet* for about 50 years.)

A portion of the meeting, slightly edited, went as follows:

Patrick O'Leary [the Senior Assistant Virginia Attorney General who represents VMI]: The reason I was asked by the superintendent to reach out was that there were some concerns that both he and the commandant had regarding the current publication of *The Cadet* ... The impression is that it is not a cadet-run newspaper, that it is run by the alumni ...

Mike Heinstand [of the Student Press Law Center]: What's your basis for asserting that?

O'Leary: I don't have a basis, but I can tell you that the commandant and superintendent do. And, I think the basis is conversations that he's had with Mr. Morris. He came away with that impression.

Heinstand: That's pretty vague. It sounds pretty serious what you're alleging.

O'Leary: Well, here's the situation. I think what the commandant would like to do is go forward with allowing the cadets to submit what's called a permit to produce a completely cadet-run newspaper. And I'm assuming the title would be *The VMI Cadet*. So it sounds like we're gonna have two publications out there floating around if this is a successful enterprise.

Heinstand: Two publications being what? One being run by VMI and the other one run by the cadets?

O'Leary: No, this one's gonna be, according to [commandant] Colonel Bogart, it's gonna be a completely cadet run newspaper.

Tod Robberson: I think one of the concerns can be addressed pretty easily here since we have one of the two student editors with us. I think they could probably tell you how things function. I mean my understanding is, and correct me if I'm wrong, is that all editorial decisions are being made by the cadets. There's some support being provided by The Cadet Foundation, but for all intents and purposes, this is a student-run newspaper. So I think that you already have kind of what you're looking for.

O'Leary: Well, if we can work it out and if it works out that way, that may be a good result. But I think you know there's an impression that this is not a student-run newspaper, that there is a significant amount of alumni influence in the newspaper and it is not the same Cadet newspaper that I think a lot of people were used to when they were at VMI, in other words a publication that was run completely by cadets.

Robberson: We have one of the student editors here, you know. I think they can kind of erase any sort of claims you might have or feelings you might have that they're not running the show.

O'Leary: Well, Cadet Mansfield, have you had any discussions with Colonel Bogart about this?

James Mansfield: No, sir. We had a meeting. I have not heard any information from the commandant's office. I think the first time I actually spoke with anyone [there] concerning *The Cadet* was just yesterday as a side while I was submitting a personal leave permit. So, I've been approached by no one.

Robert Morris: And just for clarification, when I met with the commandant — and we have a detailed memorandum of record of that conversation signed by both myself and a few cadets that were with me — the commandant requested to meet with me about the paper. I told him I would only meet with him if the cadet editor was there, which was Cadet Richie O'Connell at the time, the co-editor. We had a briefing that was provided at that time. It said specifically that the cadets completely ran the newspaper and they were only getting mentoring support from folks that would help. By the way, I was on the paper, and this is completely how it was run when I was a cadet, so I think you're getting disinformation. Also, the charter and all the paperwork on it says that the cadets have 100% editorial control over the paper. So again, I don't understand what the issue is.

Heinstand: I think it was also during that meeting, this was one of the big concerns and one of the reasons my organization got involved initially was, I think it was the commandant that told the cadets there are just certain topics that are off-limits, that you will not be talking, for example, about anything that was covered in the Washington Post [which wrote a series of racism and sexism at the school]. One of the things everybody needs to understand is the law is pretty clear [that] at a public college, a student editor, [the students] are the ones that get to make all final editorial calls unless there's something in the paper that is unlawful, libelous, obscene, [or] something like that.

O'Leary: Right. Right. But again, the concern is that this is not a solely cadet-run newspaper. This is something that has significant influence from alumni and is essentially an alumni-produced publication. That's the impression the commandant has, and I can tell you from my discussions

with the superintendent, I think his concern is that the alumni have a certain amount of input or control over this publication that was not present in the original Cadet newspaper.

Heinstand: I'm sorry, but you're just gonna have to do better than impressions. Can you give specifics? I mean what has the commandant told you specifically to convey this impression? Or are we just supposed to go on second-hand information?

O'Leary: Well, for now, yeah, you're going to have to go on second-hand information. Basically, they told me one of their concerns is if you look at the masthead it appears that there is some affiliation approval [that] it's condoned or sanctioned by VMI itself. I know there's a disclaimer..

Heinstand: What specific wording in the masthead?

O'Leary: Voice of the Corps and Alumni since 1871. It has an image of the sentinel box. If you look at that, it claims direct lineage to the previous Cadet newspapers that were produced over the past century. Now I know you have the disclaimer on the second page in very small print, which is good. I'm not saying that VMI wants to stop you from producing this publication. I'm saying we would like you to put the disclaimer more prominently in the masthead. ... I can tell you right now it's the intent of the commandant to go forward with allowing a permit for a VMI cadet newspaper that's completely run by cadets. So, if you want to continue to produce this you obviously can, but to avoid some confusion we ask that you display your disclaimer a little more prominently and to the extent they do produce a VMI Cadet, that you amend the masthead to avoid confusion in that area as well. It's unfortunate that we've apparently taken these two different paths with regard to *The Cadet* newspaper, but that's kind of where we are.

■

Despite some noise to the contrary, Bill Wyatt says he doesn't want a student newspaper under the control of his communications office. "It would be a conflict of interest for me to have any authority over it."

"What would satisfy the superintendent," he says, "would be [for the paper] to have a faculty advisor."

In the meantime, he says, the paper put out some distribution racks without permits at the school. The administration asked the paper to take away the racks. Earlier, during a Founder's Day dinner, a rack of the papers that had been left in plain sight of the well-heeled attendees was moved out of sight. The cover story was a celebration of Founders Day.

"They don't like us," says Morris. "They're trying to shut us up."

"They are using the alumni excuse to cover up their hatred for the paper," says Mansfield. "They think we're shills for the alumni. It's insulting to all my writers who spend hours and hours putting the paper together."

"Early on we published puff pieces," he says, like one about the cats living behind dumpsters at the school. But, he says, as time has passed, "We've become jaded. Things here have gotten so bad. Morale is at an all-time low. The administration is expressing itself in a patronizing way."

"The purpose of VMI is to create leaders," Mansfield says. You can't lead if you're having your hand held all the time." 