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A Tradition of Silence: The Antecedents of the Pelosi Affair

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On 10 September 1973 a Cadet Honor Committee representing the United States Military Academy's Corps of Cadets laid to rest the 102 year old tradition of formally silencing cadets found in violation of the Honor Code. The Corps' decision to terminate the practice of silencing came only three months after the public disclosure in June 1973 that Cadet James J. Pelosi had been the subject of an eighteen month long campaign of silence. The publicity created by the Pelosi affair produced a fire storm of public outrage across the country. Although the official statement issued by the Cadet Honor Committee specifically discounted the connection, the honor scandal and the subsequent silencing of Cadet James Pelosi foreshadowed the end of the Corps' lengthy attachment to the practice of silencing.

The Corps abolished silencing because of the strength and bellicosity of the public's reaction to the Pelosi incident. Media accounts were scathing in their representation of the affair, and contributed significantly to negative popular sentiments. In 1973 the Academy was under siege as a result of the Pelosi affair, and could no longer tacitly condone silencing as it had in the past; the stakes were too high. Earlier instances of silencing had produced little more than a muted response, and had precipitated few evident public demands for eliminating the practice. The Pelosi case was different, it produced
genuinely pronounced public pressure to end a tradition that had wrought such turmoil. This paper chronicles the antecedents of the Pelosi affair, and explores the influence and role of the Academy, the media, and the public on the Corps' tradition of silencing.

The silencing of Cadet Pelosi represented a contemporary manifestation of a historical tendency on the part of the Corps of Cadets to impose its collective will upon those thought to be a threat or found to be unacceptable. When Sylvanus Thayer assumed his duties as Superintendent at West Point in 1817 he inherited an institution rent with alliances of cadets working at cross purposes with the officers charged with running the institution. He found the Corps to be "unmilitary, lax, and rebellious" and frequently prone to "concerted actions designed to vilify or otherwise impugn the reputations of officers appointed by the Secretary of War to administer the Military Academy." Collectively, the Corps had once demanded that the Commandant be relieved, and later nearly mutinied when Thayer's predecessor refused to relinquish the office of Superintendent. In each case the Corps employed collective censure as an expression of their condemnation and disapproval. It was clear to Thayer that the actions of these "combinations of cadets" were unlawful and inconsistent with military discipline, and he intended to put an end to the practice.
Unfortunately, the end of Thayer's tenure in 1833 did not bring an end to the Corps' penchant for employing collective censure. For instance, in 1871 three Fourth Class cadets committed minor regulatory offenses and attempted to cover their transgression by intentionally lying. Once the facts in the case became known, the First Class provided the underclassmen with civilian clothes, money, and explicit instructions to leave West Point. This particular expression of collective will was at least in part influenced by the reinstatement of several cadets who had been dismissed from the Academy during the previous year. Although the incident received national press coverage and ultimately generated a Congressional investigation, only the most perfunctory punishment was ever meted out.

Statements made in the spring of 1871 by the Superintendent, General Thomas G. Pitcher, suggest that he at least tacitly approved of the First Class' motive for imposing its collective censure on the wayward Plebes. In testimony before the Congressional Committee, General Pitcher allowed that while he did not condone the actions of the upperclassmen, he did understand their reasoning and felt that it might produce good results. In light of General Pitcher's stance one could readily discern how the tendency to favor action via coalition could begin to take root within the Corps.
Had they elected to use them, the Superintendent and the Commandant had the disciplinary tools necessary to put an end to these combinations. By 1871, regulatory provisions prohibiting collective censure had been codified and allowed for severe punishment for such offenses. The 1853 edition of the Regulations for the United States Military Academy for example, specifically states that:

131. All cadets who shall combine or agree together not to hold friendly or social intercourse with another; and any Cadet who shall endeavor to persuade others to enter into such combination or agreement, shall be dismissed from the service, or otherwise less severely punished.

132. All combinations, under any pretext whatever, are strictly prohibited. Any cadet who, in concert with others, shall adopt any measure, under pretence of procuring a redress of grievances, or sign any paper, or enter into any written or verbal agreement with a view of violating or evading any regulation of the Academy, or do any act contrary to the rules of good order and subordination, or who shall endeavor to persuade others to do the same shall be dismissed from the service, or otherwise punished.12

While collective censure had long been the Corps preferred means of expressing its displeasure, silencing as a peculiar manifestation of such censure appears to be a comparatively recent phenomenon. The first recorded incident of actual silencing occurred in 1893.13 The evidence suggests that the practice was initially intended as a demonstration of displeasure aimed at a female dining hall visitor. A correspondent for the now defunct New York Sun describes the following circumstances:
A number of ladies came into the mess hall on this occasion while the cadets were at a meal. One of the women made a remark, rather supercilious in tone, about some peculiarity of cadet eating. It was overheard and quickly passed from table to table until in spread all over the mess hall. An area of silence spread with the spread of the rumor, as rings spread around the spot where a stone is thrown into the pond. The cadets not only stopped their buzz of conversation, but they stopped the clatter of their knives and forks, where only a moment before had been the cheerful din of a large number of healthy young fellows getting away with a dinner for which they had an excellent appetite. There was almost instantly a dead silence. The woman who had made the remark that had given offence, as well as those who were with her knew what the silence meant. They were greatly embarrassed and hastily made their exit from the dining hall.

Perhaps due to the relative anonymity of the target, and the innocuous nature of the cadet censure imposed in this mess hall affair, little public attention was generated and no one was punished. The fact that this incident went unpunished may again have signalled to the Corps that the practice was to be considered acceptable. Unfortunately, the toleration exhibited in this instance would eventually come back to haunt the institution.

Clearly, by 1893 the Corps had a demonstrated history of pursuing collective censure. By this point in time the Corps had not only attempted to censure the Superintendent, but fellow cadets and a woman had also become targets. Given the variety of people at whom censure was directed, it seems probable that the Corps considered few individuals to be sacrosanct.
During the period 1900 - 1910 at least two documented instances of the Corps employing the silence as a means of demonstrating collective censure occurred. In each case Regular Army officers assigned to the Academy were the focus of the silence. In July 1900, Lieutenant Stephen Lindsey reported a group of First Class cadets for using Plebes to make their beds and sweep out their tents, a clear violation of the Academy's regulations.\textsuperscript{15} The Superintendent, Colonel Albert L. Mills, imposed a punishment tour on each of the offending upperclassmen.\textsuperscript{16} Angered by what they considered to be unjust punishment, the First Class initiated a campaign of silence against Lieutenant Lindsey.\textsuperscript{17} Lieutenant Lindsey was making his rounds through the mess hall as the officer of the day when the silence was effected by the assembled Corps.\textsuperscript{18} In accordance with established procedures, Lindsey assumed that the silence indicated that the cadets had completed their meal and ordered them out of the mess hall.\textsuperscript{19} In fact Lieutenant Lindsey knew that the cadets had only just started to eat, but felt that he needed to exact some manner of punishment. The cadets were subsequently marched back to their encampment and held at the position of attention in a "mortaly hot sun" for an extended period of time.\textsuperscript{20} No formal punishment was ever meted out in this case. Lieutenant Lindsey's actions constituted the only institutional response, and the incident attracted little in the way of media attention.\textsuperscript{21}
In September 1910 the silence was again imposed in a similar fashion on Captain Rufus E. Longan, then serving as a tactics instructor at West Point. The Annual Report of the Superintendent of the United States Military Academy, for 1911 outlined the following situation: "on Saturday, September 24, 1910, the Corps of Cadets while at supper in the mess hall took part in a concerted, disrespectful and insubordinate demonstration, ordinarily known as the "silence," which was intended to convey to the officer in charge their disapproval of certain of his official acts. There was a premeditated continuance of this quasi-mutinous act on the following Sunday morning at breakfast."23

The reaction and response of both the media and the Academy to this particular instance of silencing stands in marked contrast to the level of interest generated earlier. The press accounts of the affair bordered on the sensational, with the Corps cast as the perpetrator of some heinous crime. A front page article in the New York Times proclaimed "West Point Cadets all Under Arrest, The Military Academy the Scene of a Remarkable Act of Insubordination."24

Although the headline missed the mark by a considerable margin, the institution's actions were comparatively swift and rigorous. Convinced of the complicity of the entire Corps, the Commandant of Cadets, Lieutenant Colonel Frederick Sladen, immediately confined all classes to the barracks.25 A board of inquiry was convened, and it at length determined there to be at least a measure of
culpability on the part of the entire Corps. As a result of the boards findings, the Superintendent cancelled the Army-Vermont football game scheduled for 1 October 1910, and rescinded recreation and amusement privileges for a period of nine days. Upon further investigation the board determined that responsibility for the whole affair rested squarely on the members of the First Class (1911). While the records indicate that the board had fixed culpability, the final disposition of the punishments imposed remains unclear. Addressing the Cadets at the end of their restriction, the Superintendent, General Thomas H. Barry, indicated that "Those who were the most guilty in this affair will be punished later." The 1911 Annual Report of The Superintendent further states that, "After careful consideration of the findings of the investigating board suitable punishments were awarded." There is no evidence to suggest that anyone from the class of 1911 was ever subsequently dismissed from the Academy as a result of participating in the silencing of Captain Longan. In fact, a review of the 1920 Register of Graduates reveals that all of the cadets implicated in the Longan silencing graduated, and all went on to assume assignments in the Army.

The Longan incident could well have been the point at which the Academy finally put an end to collective censure. They certainly had a number of valid grounds upon which to demand that the Corps terminate the practice. The publicity had been sensational and comparatively negative. The
institution was needlessly distracted from its normal state of affairs, and was forced to expend additional effort in order to down-play the whole incident. Negative press notwithstanding, the Academy should have taken serious issue over the Corps' choice of targets. Fundamentally, Captain Longan as much as the Superintendent, represented the institution and all that it stands for. The actions of the Corps were clearly insubordinate, and in direct contravention of USMA regulations, yet no one was ever dismissed. The question is why?

The question can be at least partially answered by examining the character of the cadets involved in the incident. The *New York Times* offered that of the cadets implicated in the Longan silencing "Thomas J. Christian is the only grandson of Stonewall Jackson, the Confederate General; William E. Larned, is the son of Colonel Charles W. Larned, one of the best known members of the academic staff at West Point; Bethel W. Simpson is a son of Major Wendell L. Simpson on duty in the Army Building of this city; Jose March-Duplat is a member of a distinguished Venezuelan family; Cadet Suries is one of the finest athletes in the Academy." It is obvious that some fairly well connected people had a vested interest in the future of these particular cadets. That one or more sponsors may have intervened on behalf of a particular cadet cannot be ruled out. The evidence would seem to suggest that the eminence of the cadets involved did potentially impact on the
severity of punishments imposed. The heart of the issue is that the Academy had again at least implicitly condoned collective censure.

Prior to and including the 1911 affair, the practice of silencing had generally been employed as a vehicle by which the Corps collectively censured an individual it viewed as a threat. By the time Benjamin O. Davis Jr. enrolled at West Point in 1932 the criteria for imposing the silence had not changed. Quite possibly the most notable victim of silencing, Davis claimed to have endured the practice throughout the course of his four years at the Academy. The son of a Black Army officer, he contended that his race served as the sole catalyst for being subjected to the silence.\textsuperscript{33} In the Davis case there is no evidence to corroborate Davis' claims, nor was anyone ever punished for participating in his censure.\textsuperscript{34}

During the period 1936-1961 there is little indication that the practice of silencing enjoyed much interest or application. In November 1961, for some unknown reason, the USMA Deputy Chief of Staff for Operations tasked Lieutenant Colonel John Burtchaell, the USMA Judge Advocate General (JAG) to formulate an opinion as to whether the practice of silencing violated USMA regulations.\textsuperscript{35} In a Memorandum of Law, the JAG concluded that his review of the relevant statutory and historical material suggested that the practice of silencing, when linked to an honor violation, was not in contravention of then current USMA regulations.\textsuperscript{36}
Even the most cursory review of these regulations reveals a prohibition against forming combinations.\textsuperscript{37} In contrast, the officially sanctioned version of the 1959 Honor Code contains no reference or provision for the implementation of a practice whose very nature demanded the formation of a combination.\textsuperscript{38} In spite of these seemingly salient issues, LTC Burtchaell maintained that "an officially recognized practice of such long standing (1922-1961) rebuts any incompatibility between the regulation and the "silence" and raises sufficient doubt regarding the issue."\textsuperscript{39} Certified as legally consistent, and apparently accepted as such by the institution, the tradition of silence would come to face its most daunting challenge during the aftermath of the social upheaval and turmoil of the 1960s.

The Pelosi affair could not have come at a more inopportune time for the Academy. While attempting to sustain itself in the shadows of Vietnam and Kent State, the institution was already committed to litigation \textit{White vrs Knowlton} involving an unrelated cheating scandal, when the story of the Pelosi silencing appeared on the front page of the \textit{New York Times}.\textsuperscript{40} In an attempt to counter the erroneous reports appearing in newspapers across the country, the Superintendent released an official account of the circumstances surrounding the Pelosi cheating incident.

The official "Fact Sheet" released by the Academy outlined the following points: On 13 September 1971 Cadet
James Pelosi was observed cheating on an Electrical Engineering examination by a classmate, Cadet Scott Stewart. Cadet Stewart reported the incident to his company Honor Representative, who in turn advised him to present his allegations to the course instructor. Prior to the start of the next scheduled class the instructor was made aware of the allegations against Cadet Pelosi. The instructor, Captain Martin J. Michlik, scheduled another examination for the next class meeting on 15 September 1971. On the day of the examination Captain Michlik made a point of observing Cadet Pelosi's paper at the conclusion of the test period. He discerned that several portions of Pelosi's paper had not been completed. Returning to the board to discuss and review the solutions to the exam, Captain Michlik noticed that Cadet Pelosi appeared to be writing something on his examination paper. He then rechecked Pelosi's paper and found that the once incomplete portions of the exam had been filled in with the blackboard solutions.

At this juncture it is interesting to note the disparity between the Academy's official account and the accounts offered by the nation's daily newspapers. A review of Pelosi related articles in eighteen different daily newspapers produced only one that accurately represented the facts of the case. Almost without exception news accounts of the incident fostered the impression that the allegation against Pelosi was that he had simply not dropped his pencil fast enough when the order to cease work was given.
The media was less forthright in its accounts of the Academy's official proceedings against Pelosi. The Academy outlined the circumstances surrounding Pelosi's honor hearing in a publicly disseminated document. A summary of the USMA account suggests that on 20 September 1971 Cadet Pelosi appeared before a twelve-man Honor Committee. The Honor Committee found by unanimous vote that Cadet Pelosi was guilty of violating the cheating provisions of the Cadet Honor Code. Cadet Pelosi appealed the decision of the Honor Committee, at which time his case was referred to a Board of Officers. Appearing before the board, Cadet Pelosi's military attorney moved for the dismissal of charges based upon grounds of probable command influence. The Superintendent, Lieutenant General William A. Knowlton, recognized the validity of the defense counsel's argument and returned the charges to the Honor Committee for a rehearing of the case. The Honor Committee declined to revisit the issue and the Superintendent dismissed the Board of Officers. At the time the Board was released it had not overturned the decision of the Honor Committee, nor had it exonerated Cadet Pelosi.42

Once again a clear schism existed between the facts offered by the Academy and those reported by the American press. Typical of the accounts found in a number of other papers across the country, the Washington Post reported that Pelosi had been acquitted of all charges against him.43 While the New York Times cited the lack of sufficient legal
evidence as the decisive factor in producing Pelosi's acquittal. Regardless of the newspaper involved, accounts that cited circumstances of this nature generated considerable public hostility.

Cadet Pelosi's decision to remain at West Point set the stage for his subsequent censure. The Corps was dissatisfied with the Superintendent's ruling, and adamant that Cadet Pelosi leave the Academy. Unable to influence either decision the Corps decided to express its collective will by silencing Pelosi. For Cadet Pelosi, being silenced meant that for the remainder of his time at West Point he would eat and room alone, and would only be addressed during the course of official business. These conditions alone present fairly strong evidence that the Academy at least implicitly condoned the silencing of Cadet Pelosi. It is doubtfully that Pelosi's billeting and dining arrangements could have escaped that attention or approval of Academy officials.

Cadet Pelosi would eventually endure eighteen months of censure, fourteen of those months would be spent in Company F1. The fact that Pelosi was assigned to F1 in the fall of 1971 is significant given the prevailing climate within this particular organization. The company referred to itself as "The Home of the Fourth Class System," and offered as the Company motto "Flame On." One can safely assume from the nature of these proclamations that James Pelosi's life at West Point was probably not going to be pleasant.
The real fallout over the Pelosi affair came about not so much as a result of the circumstances surrounding the incident, but largely as a function of the treatment afforded Pelosi by the Corps. Just prior to his graduation in June 1973, Cadet Pelosi related to the print media fairly graphic details of his mistreatment at the hands of his peers. The abuse apparently went beyond total social ostracism. Pelosi maintained that over the course of eighteen months he lost 26 pounds, had personal mail and property destroyed, and had been subjected to a number of physical threats.\(^{47}\) The public was incensed, and the mail began to inundate the Academy. The institution ultimately received over one hundred letters, and almost all indicated considerable grass-roots support for Cadet Pelosi. Bill Cord, a Baptist Pastor from Georgia, captured the tone of popular support for Pelosi when he wrote, "To that cadet's everlasting credit, he withstood this barbaric form of social ostracism and completed his course of study at your institution. He is truly a hero in my mind."\(^{48}\)

This public support eventually gave way to political endorsement and recognition. Senator Jacob Javits, R-NY, offered his praise of Pelosi in a statement he had read into the Congressional Record: "I extend my congratulations to Lieutenant Pelosi. I commend his extraordinary perseverance and the great strength of character which enabled him to survive the impact of so severe a punishment. He is a great credit to the Army and to the Academy."\(^{49}\) Cadet Pelosi was
rapidly becoming a "cause celebre" and something of a martyr.

While the preponderance of the letters sent to the Academy focused on the mistreatment of Pelosi, certainly the most troubling from an institutional perspective questioned the value and worth of the institution. The potential impact of the Pelosi case on enrollment was not lost on West Point officials. A number of parents with college bound children sent letters questioning the wisdom of even considering sending their children to West Point. Quite typical of the sentiment expressed in this genre of correspondence is a letter from N.W. O'Donnell, of Ambler Pennsylvania, who wrote: "I wonder how many young potentials for your academy have been dissuaded from fulfilling their ambitions. How many parents will allow their sons to pursue such a career?"50 On a newspaper clipping entitled "A Disgrace to West Point," an unidentified school teacher expressed sentiments for which the Academy potentially had good reason to be concerned; he suggested "As a teacher this is one reason why I shall never urge my bright seniors to consider this school, and I am not a liberal or pacifist."51

The public was genuinely upset by the Pelosi silencing, and it appears that they were prepared to demonstrated the extent of their displeasure by denying the Academy their sons. The Pelosi case had the potential to bear a significant negative impact on the quantity and quality of future admissions.
The extent of the public outrage generated by the silencing of Pelosi prompted Academy officials to expend considerable energy on mitigating the impact of the affair. The institution's subsequent public affairs efforts became no small undertaking. LTC Thomas P. Garigan, the USMA Public Affairs Officer (PAO), was charged with coordinating the Academy's damage assessment and control efforts. LTC Garigan did not need to rely solely on the mail being received at West Point to accurately gauge public sentiment. Feedback received from USMA Liaison Officers, ROTC Professors of Military Science, and officers in the field also indicated the presence of substantial public condemnation. In a letter to the USMA PAO, Major John F. Etten, the USMA Liaison Officer in Chicago, expresses a common theme when he states: "I can't begin to tell you how the public in Chicago feels about this [Pelosi]."52

The Academy had to effect some form of damage control, and a number of programs were initiated. Former Superintendents were sent letters to inform them of the facts surrounding the Pelosi case, and to keep them abreast of the Academy's efforts to ameliorate the impact of the negative press.53 At the direction of the Superintendent the Staff and Faculty received a memorandum that addressed the nature and possible implications of the Pelosi affair. In addition, the PAO provided instructions outlining the correct procedures for dealing with press coverage.54 The Superintendent also directed that Department heads conduct
staff meetings to discuss the facts surrounding the Pelosi incident.  

The PAO also generated a public information program, in the form of a fact sheet, that targeted the print media and individual citizens. All of the 144 people who either wrote a letter or phoned in a complainant concerning the Academy's handling of the Pelosi affair received a fact sheet covering the details of the case. How effective this program was is unclear. Unfortunately, it was probably too late for most of the public affairs programs to have much of an effect, the damage had been done. Several newspapers did print retractions or corrections to articles concerning Pelosi that had appeared in their papers, but they were inevitably buried somewhere in the back pages of the paper.  

West Point was under siege in the summer of 1973, and General Knowlton understood fully the power and influence of the forces demanding that the Academy change. His comments in August 1973 about impending changes in regulations and in the Honor System reflect the extent of the pressure which he believed was being exerted on the institution. He allowed that, "We've been manning the bastions here, hanging tight to our standards in a society that was saying there was no standards. Now we feel the pressure is off." The siege had been lifted and the pressure was off because changes were going to be made. The officially announced end of
silencing was still several weeks away, but the decision to terminate the practice would seem to have already been made.

The decision to terminate the practice of silencing appeared to owe its very existence to the power of the modern media, and the desires and will of the American public. War weary and disenchanted with most things military, in some respects the Pelosi case was the proverbial "straw that broke the camel's back." In contrast to the incidents that had preceded it, the public response to the Pelosi affair was exceedingly virulent. The American people were exasperated, and in order for the Academy to continue to cultivate and sustain popular support something had to give. West Point was challenged with survival in an age where the press was capable of contributing to the fall of a President. West Point could no longer implicitly condone acts of collective censure; the world had become too small. There is no physical evidence to suggest that the 1973 Honor Committee succumbed to pressure from the administration to terminate the practice of silencing, but it seems hardly likely that the pressure did not exist.
ENDNOTES


2Ibid.

3Ibid


5Ibid. 152.

6Ibid. 153.

7Ibid. 154.


9Ibid. 154.

10Ibid. 154.

11Ibid. 155.

12United States Military Academy, Regulations for the United States Military Academy. 1853, Article 12.


14Ibid. 1144.

15Ibid. 1144.

16Ibid. 1144.

17Ibid. 1145.

18Ibid. 1145.

19Ibid. 1145.

20Ibid. 1145.

21A review of New York Times articles for the week of 28 July 1900, the week the Lindsey incident took place, failed to produce an account of the affair.
22 United States Military Academy, Annual Report of the Superintendent of the United States Military Academy. 1911. 3.

23 Ibid. 3.


26 Ibid. 128.

27 Ibid. 128.


30 United States Military Academy, Annual Report of the Superintendent of the United States Military Academy. 1911.


34 The Davis affair is typical of most of the other instances of silencing in that the practice is not officially recognized, and the criteria and provisions for silencing an individual are not codified. There is no evidence that Honor Committees ever kept transcripts or notes of their proceedings. It appears that the practice is implement exclusively by word of mouth. As a result it is difficult to substantiate claims of silencing.


36 Ibid.

37 United States Military Academy, Regulations for the The United States Military Academy. 1956, sec 12.09.
38United States Military Academy, Regulations for the United States Corps of Cadets. 1959, para 501.

39United States Military Academy, Silencing at the United States Military Academy, (West Point: TJAG, 1961) 6.

40United States Military Academy, Fact Sheet #1 "Outlines the salient facts of the Pelosi affair," 1973, 1. In late May 1973 twenty cadets were involving in a physics examination cheating incident. The cadets involved were subsequently dismissed from the Academy. Several of the cadets filed a civil suit, White vrs Knowlton in New York Federal District court in an attempt to gain readmission to the Academy. The court ruled in favor of the USMA.

41United States Military Academy, Fact Sheet #2 outlining the salient facts in the Pelosi affair, 1973, 1.

42Ibid. 1.


49United States, Congressional Record, "Text of Senator Jacob Javits (NY) congratulations to Cadet Pelosi on the occasion of his graduation from West Point, with accompany text of New York Times article concerning the Pelosi affair." 1973.


51"Newspaper clipping from an unknown paper, story is entitled "A Disgrace to West Point; with margin notes made by an unidentified school teacher. 1973.


54 United States Military Academy, "Memorandum from the Office of the Superintendent to the Staff and Facility concerning the Pelosi affair." 1973.

55 United States Military Academy, "Memorandum from the Office of the Superintendent to Faculty Department Heads." 1973.


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BOOKS


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