

July 31, 2026

Re: Attempts to Punish the Veterans of Foreign Wars for its First Amendment Protected Activity

Dear Chairman Bost and Representative Bergman,

The American Civil Liberties Union supports the rights of all people to freely express their opinions regarding matters before Congress. We therefore write in strong opposition to your recent attempt to retaliate against the Veterans of Foreign Wars (VFW) in response to their constitutionally protected speech and advocacy.

The First Amendment guarantees that all people and organizations can petition their government and speak freely, without fear of government retaliation or punishment, regardless of their viewpoint. Veterans organizations have historically been important participants in our national conversation, dating back at least to the formation of the Grand Army of the Republic in the aftermath of the Civil War. Today, many veterans organizations, including VFW, regularly contribute their expertise to a host of issues of great consequence to their membership, to veterans generally, and to our country as a whole.

Recently, VFW expressed concern that HR 9237, the Take Care of America's Veterans Act, would reduce benefits to certain categories of disabled veterans.¹ VFW also reportedly authorized the publication of a satirical political cartoon depicting veterans facing a firing squad including "bureaucrats" on merchandise.² These are both plainly forms of protected expression and petitioning under the First Amendment.³ Yet, in response, Chairman Bost and Rep. Bergman sent a letter to the U.S. Department of Veterans Affairs (VA) requesting that it investigate VFW and consider revoking VFW's accreditation to provide no-cost assistance to veterans making disability claims.⁴

¹ See, e.g., Press Release, "VFW Strongly Opposes Disability Benefit Cuts Included in Proposed Take Care of America's Veterans Act," VFW (Jun. 11, 2026), <https://www.vfw.org/media-and-events/latest-releases/archives/2026/6/vfw-strongly-opposes-disability-benefit-cuts-included-in-proposed-take-care-of-americas-veterans-act>; Press Release, "VFW Action Alert: Tell Congress to Oppose Veterans' Benefit Cuts," VFW (Jun. 12, 2026), <https://www.vfw.org/media-and-events/latest-releases/archives/2026/7/vfw-action-alert-tell-congress-to-vote-no-on-reducing-benefits-for-future-veterans>.

² See, e.g., Brian Todd, "VFW cartoon showing veterans facing a firing squad sparks calls for an investigation," CNN (Jul. 13, 2026), <https://www.cnn.com/2026/07/13/politics/vfw-cartoon-firing-squad-free-speech-debate>.

³ *Lozman v. Riviera Beach*, 585 U.S. 87, 101 (2018) ("[T]he right to petition [is] one of the most precious of the liberties safeguarded by the Bill of Rights," and ranks "high in the hierarchy of First Amendment values." (quotations omitted)); *Hustler Mag., Inc. v. Falwell*, 485 U.S. 46, 54–55 (1988) ("Despite their sometimes caustic nature . . . graphic depictions and satirical cartoons have played a prominent role in public and political debate" and are constitutionally protected). The expression at issue here plainly does not fall into one of the "few limited areas" of unprotected speech, such as true threats or incitement. *United States v. Stevens*, 559 U.S. 460, 468 (2010); *Counterman v. Colorado*, 600 U.S. 66, 73, 74 (2023) ("True threats are serious expression[s] conveying that a speaker means to commit an act of unlawful violence," while incitement entails "statements directed [at] producing imminent lawless action, and [that are] likely to do so." (quotations omitted)).

⁴ Letter from Chairman Mike Bost and member Jack Bergman (July 1, 2026), as published at Linda F. Hersey, "Lawmakers demand investigation into 'inflammatory' images by VFW to protest a benefits bill," STARS AND STRIPES (Jul. 13, 2026), <https://www.stripes.com/veterans/2026-07-13/lawmakers-investigation-vfw-protest-image-22257984.html>.

Any attempt by the VA to "blacklist" the VFW in retaliation for its constitutionally protected speech and activities would be flagrantly illegal. The Supreme Court has repeatedly confirmed this rule.⁵ It is thus highly inappropriate for any member of this Committee to request or otherwise promote such action.⁶

Attempts to silence the voices of VFW and other veterans organizations by threats or coercion directly undermine the House Committee on Veterans Affairs stated mission to "ensur[e] VA fulfills the promise it has made to generations of veterans." We strongly encourage you to withdraw your July 1, 2026 letter and commit to never again using your bully pulpit to retaliate against First Amendment protected activities. Please feel free to contact Jenna Leventoff (jleventoff@aclu.org) with any questions.

Sincerely,



Christopher Anders
Director, Democracy and Technology
American Civil Liberties Union



Jenna Leventoff
Senior Policy Counsel
American Civil Liberties Union

⁵ See, e.g., *National Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 188, 194, 199 (2024); *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 206, 214–15 (2013).

⁶ We further note that it is particularly outrageous for members of this committee to attempt to punish VFW's protected expression by encouraging the VA to strip disabled veterans of their access to VFW's no-cost assistance in navigating the VA's claims process. Many veterans depend upon the VFW's no-cost services to secure the benefits guaranteed by law, as well as financial stability for themselves and their families.