

# American Legion, VFW, Oppose NFL Protests: Not A “Free Speech” Right

Another “Football Sunday” has passed with Black NFL players continuing to refuse to respect the National Anthem and the Flag, while the NFL and team owners refuse to enforce their own rules requiring players to respect the primary symbols of the American nation.

The American Legion and Veterans of Foreign Wars, the nation’s two largest and most influential wartime veterans organizations, have now taken stands opposing the NFL players disrespect for the Anthem and Flag – which are not in fact acts of Constitutionally protected “freedom of speech,” as detailed below.

I forward on this continuing controversy three powerful commentaries on the decision of Black NFL players to refuse to respect the American Flag and Anthem, and thereby the 1.4-million American veterans who have given their lives to create and preserve the freedom in which Black Americans generally, and Black athletes in particular, have more freedom, more equal opportunity, and more prosperity than in any nation in history.

That includes the Black African countries which sold into slavery the Black African ancestors of Black Americans for profit, even sending their leaders to testify and protest in the English Parliament *against* the abolition of the slave trade because they were making so much money engaging in it. Indeed, Black-on-Black slave trade still thrives in Black Africa, about which millionaire Black athletes and their Black supporters are generally silent in word and deed.

The American Legion and the VFW have now condemned and called

for the end of the disrespect for the National Anthem, the Flag, and for veterans, of the Black players protests, as reported by [www.Armytimes.com](http://www.Armytimes.com): "[American Legion And VFW 'Slam' NFL Players For Anthem Protests.](#)"

Maj. Gen. Patrick H. Brady (USA, ret.), Medal of Honor (Vietnam), considered America's most decorated living veteran, is one of many veterans denouncing the disrespect of the National Anthem and the Flag, and the veterans who have served and died under that Flag. Gen. Brady has written a powerful column on [WND.com](http://WND.com): "[Limp Wristed Libs Have Ruined Football.](#)"

The third commentary is from the American Legion's [www.BurnPit.US](http://www.BurnPit.US) [[www.Legion.org](http://www.Legion.org)]: "[NFL Players Take Knee On Day Designated To Remember And Cherish Gold Star Moms.](#)"

I submit also a legal comment by me: "*Are NFL Players Protests Matters Of Constitutional Freedom Of Speech?*"

Because of confusion in the ongoing controversy, it is necessary to answer the question: Are the protests of Black NFL Players to disrespect the American Flag and Anthem matters of protected Constitutional "freedom of speech"? The answer is no, absolutely not, for the following reasons:

The acts of Black NFL players, and the failure of the NFL and team owners to repudiate it, has nothing to do with Constitutional "Free Speech," as misleadingly claimed by the players; Black and White politically-correct apologists and enabling individuals and organizations; Black race hustlers; progressive liberal Alinskyite revolutionists-anarchists-socialists-and communists exploiting the divisive issue (under the Marxist and Saul Alinsky rule for radicals that whatever is bad for America is good for them); and Liberal broadcast media pundits and talking heads.

As any Constitutional attorney will affirm (I am one): First Amendment Constitutional "freedom of speech" only protects Americans from regulation, deprivation, infringement, or

punishment of speech *by government*, not by private parties or entities. Absent government action, so-called "state action," there cannot be a violation of the First Amendment Constitutional guarantee of "freedom of speech."

Private, non-government persons and entities include without limitation, employers—who have now and have always had the right to set standards of speech in the work place. The Black players are millionaires because they are the employees of private employers, i.e., the team owners, who provide a product, i.e., professional football, to the public who are willing to pay for it. The players' protests are taking place in the workplace, i.e., the fields. They are taking place in the course and scope of their employment. The government is not involved.

Therefore, there is no Constitutional right of free speech involved. Acts by the employers, or the owners to regulate, repudiate, or punish the players activity, including by firing them, is not and cannot be a violation of the players Constitutional "freedom of speech." They have none in this context. Context, too, matters.

Indeed, under the legal doctrine of *respondeat superior* the owners' condonation of that speech activity in disrespect of the Nation, the National Anthem and Flag, and veterans, constitutes ratification of that activity and makes the owners responsible for the acts of their employees. The owners cannot run from that responsibility by claiming they are protecting the players "freedom of speech" or have no control or responsibility for the employees' (the players') acts. The employers are responsible for the acts of their employees in the course and scope of their employment.

Thus, the acts of Black NFL players, and failure of the NFL and team owners to repudiate it, have nothing to do with Constitutional "Free Speech."

Simply stated, if the government is not involved, there cannot be a violation of Constitutional freedom of speech. The government is not involved in regulating, depriving, or infringing upon the speech of the NFL players. Therefore, there cannot be a violation of the Constitutional "right of free speech" of the players, as they have no such right as employees of private, non-government owners. Period.

Thus, there should be no more teardrops alleging that the poor, oppressed multi-millionaire black football players are being deprived of "freedom of speech." They aren't, as a matter of Constitutional law.

In contrast, the nation, the National Anthem and Flag, and the 1.4-million veterans who have given their lives for that Nation under that Flag, are being deprived of the respect they deserve from all Americans, including multimillionaire black athletes, and the NFL and team owners who are condoning and thereby ratifying those acts.

As a veteran and an active member of The American Legion, I am aware that resolutions are circulating raising the question of whether there should be a grass-roots call for an all-out boycott by veterans and other patriots of NFL professional football if the disrespect of the American Anthem, Flag, and veterans who have given their lives for America isn't stopped by the NFL and owners who are, ultimately, responsible. If they won't act, let them, and the players, pay the price of their disrespect.

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