

## LAW REVIEW<sup>1</sup> 0625

### Medals & Awards: An Act of Stolen Valor

By Captain Samuel F. Wright, JAGC, USN (Ret.)<sup>2</sup>

#### 10.2—Other Supreme Court Case

Under current federal law, one cannot wear a Medal of Honor or other high medal that one has not earned. It is not unlawful, however, to claim to have received such a medal. The proposed Stolen Valor Act would close this loophole.

Rep. John Salazar (D-Colo.) introduced H.R. 3352 on July 19, 2005, and the bill has 103 co-sponsors. The bill was referred to the Subcommittee on Crime, Terrorism, and Homeland Security of the House Judiciary Committee, where no action has been taken on it.

Sen. Kent Conrad (D-N.D.) introduced a similar bill, S. 1998, last year, and that bill has 26 co-sponsors. It was referred to the Senate Judiciary Committee, where there has been no committee action.

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<sup>1</sup>I invite the reader's attention to <https://www.roa.org/page/LawCenter>. You will find more than 2000 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouse Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997.

<sup>2</sup>BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. For 43 years, I have worked with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Reemployment Rights Act (VRRA—the 1940 version of the federal reemployment statute) for 36 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. 4301-35). I have also dealt with the VRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at [SWright@roa.org](mailto:SWright@roa.org).

It is unlikely that Congress will act on the proposed Stolen Valor Act during the 109th Congress. ROA will encourage the 110th Congress, which convenes in January, to take it up.

For more information on the legislation, visit Rep. Salazar's website. Go to <http://www.house.gov/salazar/stolen%20valor.shtml>, scroll down to the sixth paragraph and click; that will take you to a comprehensive memorandum by Pamela M. Sterner of Colorado State University-Pueblo.

*CAPT Wright is a regular contributor to ROA's Law Reviews. The views expressed are the personal views of the author, and not necessarily the views of the Department of the Navy, Department of Defense, or the U.S. government.*

### **Update – May 2022**

In 2006, President George Bush signed the Stolen Valor Act into law after both chambers passed the bill. However, in 2012, the Supreme Court of the United States held that the Stolen Valor Act was unconstitutional because it infringed upon the First Amendment.<sup>3</sup> For more information on how the Stolen Valor Act developed from 2006 to present, see *Is the Stolen Valor Act Unconstitutional* by Captain Samuel F. Wright.<sup>4</sup>

But, in 2013 President Obama signed into law Public Law 113-12, the Stolen Valor Act of 2013. The Stolen Valor Act of 2013 makes it unlawful to claim falsely to have been awarded a military medal with the intent to obtain some tangible benefit for the liar.

### **Please join or support ROA**

This article is one of 1800-plus "Law Review" articles available at [www.roa.org/page/lawcenter](http://www.roa.org/page/lawcenter). The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. New articles are added each month.

ROA is almost a century old—it was established in 1922 by a group of veterans of "The Great War," as World War I was then known. One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide for adequate national security. For many decades, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation's defense needs.

Indeed, ROA is the *only* national military organization that exclusively supports America's Reserve and National Guard.

Through these articles, and by other means, we have sought to educate service members, their spouses, and their attorneys about their legal rights and about how to exercise and enforce

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<sup>3</sup>United States v. Alvarez, 567 U.S. 709, 729–30 (2012).

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those rights. We provide information to service members, without regard to whether they are members of ROA or eligible to join, but please understand that ROA members, through their dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

If you are now serving or have ever served in any one of our nation's seven uniformed services, you are eligible for membership in ROA, and a one-year membership only costs \$20. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve.

If you are eligible for ROA membership, please join. You can join on-line at [www.roa.org](http://www.roa.org) or call ROA at 800-809-9448.

If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

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