

Stolen Valor Act Signed into Law

By Captain Samuel F. Wright, JAGC, USN (Ret.)²

10.2—Other Supreme Court Case

In Law Review 0625 (The Officer, September 2006), I explained that it is unlawful to wear a Medal of Honor or other high medal that one has not earned. But it is not unlawful to claim to have received such a medal. The Stolen Valor Act was introduced to close this loophole, but I wrote at the time that “it is unlikely that Congress will act” on the legislation during the 109th Congress.

Well, I was wrong. Both chambers passed the bill, and President George W. Bush signed it in December. The Stolen Valor Act is now law.

¹I 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.

²BA 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 (VRRRA—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 VRRRA 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 VRRRA 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.

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In 2012, the Supreme Court of the United State held that the Stolen Valor Act was unconstitutional because it infringed upon the First Amendment.³ 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.⁴

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.

³United States v. Alvarez, 567 U.S. 709, 729—30 (2012).

⁴Law Review 10065