STOLEN VALOR ACT

The Stolen Valor Act of 2005, signed into law by President George W. Bush on December 20, 2006, was a U.S. law that broadened the provisions of previous U.S. law addressing the unauthorized wear, manufacture, or sale of any military decorations and medals. The law made it a federal misdemeanor to falsely represent oneself as having received any U.S. military decoration or medal. If convicted, defendants might have been imprisoned for up to six months, unless the decoration lied about is the Medal of Honor, in which case imprisonment could have been up to one year.

The Stolen Valor Act of 2005 made it illegal for unauthorized persons to wear, buy, sell, barter, trade, or manufacture "any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces." In the 18 months after the act was enacted, the Chicago Tribune estimated there were twenty prosecutions. The number increased as awareness of the law spread.

The Act was passed to address the issue of persons claiming to have been awarded military awards to which they were not entitled and exploiting their deception for personal gain. For example, as of June 2, 2006, there were only 120 living Medal of Honor recipients, but there were far more known imposters. There were also large numbers of people fraudulently claiming to be Navy SEALs and Army Special Forces, among others.

In United States v. Alvarez the U.S. Supreme Court ruled on June 28, 2012, that the Stolen Valor Act was an unconstitutional abridgment of the freedom of speech under the First Amendment, striking down the law in a 6 to 3 decision.

In the wake of the Supreme Court decision, Legion Past National Commander Fang A. Wong called on Congress to pass a new version of the Stolen Valor Act, one that would stand up to constitutional scrutiny.

"While we are obviously saddened and aggrieved by the overall decision in this case, we felt good about the portions of the decision which suggest that a more
narrowly tailored bill, which incorporates traditional fraud elements, would be upheld,” Wong said. “Since the vast bulk of the more notorious valor thieves engage in this to gain something of value as a result, they will not be able to claim legal immunity once a new bill is passed.”

The plurality opinion, announced by Justice Anthony Kennedy -- who was joined by Chief Justice John Roberts and Associate Justices Ruth Bader Ginsburg and Sonia Sotomayor -- reasoned that, with only narrow exceptions, content-based restrictions on speech face strict scrutiny, and are therefore almost always unconstitutional.

False statements of fact do not fall within one of these exceptions, and so the Stolen Valor Act can survive scrutiny only if it is narrowly tailored to a compelling government interest, the Court held. The majority concluded that the Stolen Valor Act is unconstitutional because the government had not shown that such a statute is necessary to protect the integrity of the system of military honors – the interest the government had identified in support of the act.

Associate Justice Stephen Breyer, joined by Associate Justice Elena Kagan, concurred separately, concluding that the Stolen Valor Act, in its current form, applies even in family, social, or other private contexts where lies will often cause little harm. Breyer and Kagan argued that the government could achieve its goals in a less burdensome way, and so determined that the Stolen Valor Act, as written, is unconstitutional. Their opinion leaves open the opportunity to revise the act, so that it would stand up if challenged in the nation’s highest court.


On September 13, 2012, The Stolen Valor Act overwhelmingly passed the House by a vote of 410-3. The Stolen Valor bill has broad bi-partisan support in the Senate. The American Legion sincerely urges the Senate to work with the House to adopt this legislation and send it to the President for signature into law.

Free speech is a basic right but deliberately lying for gain or to impress others demeans the sacrifices made by real veterans. Individuals who lie about military service for personal gain undermine the value of service. This is an offense to all who have stepped forward to serve our country in uniform. We look forward to Congress taking a second look at developing a constitutional way to stop those who would steal or impersonate another’s valor.