

"The Stolen Valor Act: Is Policing Honesty The Best Policy?" Los Angeles Daily Journal

Publications

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In this article, which is the December 2011 "Content Matters" column in the *Los Angeles Daily Journal* and *San Francisco Daily Journal*, Jenner & Block Partner Andrew J. Thomas examines the 9th U.S. Circuit Court of Appeals case, *United States v. Alvarez*, which concerns the Stolen Valor Act and will be heard by the U.S. Supreme Court during this term. Mr. Thomas notes that the Stolen Valor Act makes it a federal crime, punishable by fines and up to a year in prison, for a person falsely to claim to have "been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States." In 2007, Xavier Alvarez, a member of a municipal water district board violated the statute during a speech to a neighboring water board, in which he claimed that he was a "retired Marine of 25 years," that he "got wounded many times by the same guy," and that he was awarded the Congressional Medal of Honor in 1987. None of this was true. The 9th Circuit reversed Mr. Alvarez's conviction and struck down the Act. Mr. Thomas goes on to note that *Alvarez* presents the Supreme Court with some sticky choices, as it addresses the question of whether or not there is a First Amendment right to tell lies about yourself or whether the government may broadly punish any speech that is deemed false, including speech on political, social or scientific issues.

Related Attorneys



Andrew J. Thomas

Partner

ajthomas@jenner.com

+1 213 239 5155

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