

The Stolen Valor Act of 2005

Medal of Honor Legislative Changes – Title 18 (U.S.C.)

By

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Executive Summary

The Medal of Honor is our nation's highest award for military valor. The number of veterans authorized to wear the Medal of Honor has dwindled to a mere 120. Because the number of recipients is so few, imposters actually outnumber the true recipients of the award. Since 1996, Tom Cottone, special agent for the FBI, has prosecuted over one hundred Medal of Honor imposters. The imposters he has dealt with come from all walks of life including a district judge. Many of these imposters are "con men" who go on to commit other crimes. There are hundreds more Medal of Honor imposters that are able to avoid prosecution due to loopholes in Title 18, Section 704. That legislation makes it a crime to wear the Medal of Honor if a person hasn't been awarded it, but does not make it a crime to fraudulently claim to be a Medal of Honor Recipient. Some imposters put on their resumes that they are Medal of Honor recipients, others have been known to hang a Medal of Honor or bogus citation on their wall to give the impression that they are recipients, some simply tell their friends, family, and community that they are recipients.

The Congressional Medal of Honor Society would like to see legislation passed that would make a fraudulent claim of being a Medal of Honor recipient a felony. This legislation would further require a jail term for all imposters. This analysis presents a second alternative, amending the existing code to deal with the problem. The existing code would be amended to include language allowing for prosecution of Medal of Honor imposters whether they are caught wearing the actual Medal or not. Title 18, Chapter 3, § 174 of the U.S. Code should be amended to include the following:

"Whoever knowingly and fraudulently wears and/or represents him or her self as having received a Medal of Honor, Distinguished Service Cross, Navy Cross or Air Force Cross, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both."

In recent years, with improved technology many of these fraudulent heroes have begun to create citations awarding themselves the Distinguished Service Cross, Navy Cross, or Air Force Cross. These three awards are second only to the Medal of Honor, but no database or listing of the nearly 21,000 valid recipients has ever been generated or made publicly available.

Valid recipients of these three high awards, along with Medal of Honor recipients, are specifically honored by Congress with authorization to be members of the Legion of Valor. Because of the extreme sacrifice needed to earn these awards, legislation passed to protect the Medal of Honor should be further edited to protect these important awards as well.

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Medal of Honor Legislation

Description of Title 18 with Regards to Military Awards

The Medal of Honor was established early in the Civil War to recognize soldiers, sailors and Marines for exceptional valor or service. Over the last fourteen decades the award has risen in prominence to become one of our nation's highest honors. It is presented by the President in the Name of the Congress, and is recognized as one of our rarest examples of the bravest of the brave. President Harry S Truman, who presented more Medals of Honor than any president in history, often did so with the comment, "I would rather have the Medal of Honor than be President."

Like it has done with the Bald Eagle, which symbolizes our nation, Congress has taken steps to protect the Medal of Honor through legislation since the inception of the award. Title 18 (U.S.C.), Chapter 33, §704 titled "Military medals or decorations" states:

(a) In General.--Whoever knowingly wears, manufactures, or sells 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, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.

(b) Congressional Medal of Honor.—

(1) In general.--If a decoration or medal involved in an offense under subsection (a) is a Congressional Medal of Honor, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.

(2) Definitions.--(A) As used in subsection (a) with respect to a Congressional Medal of Honor, "sells" includes trades, barter, or exchanges for anything of value.

(B) As used in this subsection, "Congressional Medal of Honor" means--

- (i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;
- (ii) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or
- (iii) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 4.

History of Legislation Protecting the Medal of Honor

Prior to the *War Between the States*, commonly called the *Civil War*, there was little that could be done to recognize the heroism or distinguished service of the men and women who served in the United States military forces. During the American Revolution General George Washington presented three awards, called the *Badge for Military Merit*, to three soldiers. This constituted the first time in our nation's history that soldiers received formal recognition for their heroism. This award however, was not approved by Congress, and was more of a personal recognition of individual soldiers by their commander (Watson 17).

General Washington issued his General Orders establishing the *Badge for Military Merit*, along with a special cloth "patch" to be awarded enlisted soldiers who had served for three years

in the Continental Army, from his headquarters at Newburg on August 7, 1782. With the order authorizing these awards the General established:

- ❖ *"Before this favor can be conferred on any man, the particular fact or facts on which it is to be grounded must be set forth to the commander-in-chief."*
- ❖ *"The name and regiment of the person with the action so certified are to be entered in the Book of Merit, which will be kept at the orderly office."*
- ❖ *"Gallant men who are thus designated will, on all occasions, be treated with particular confidence and consideration."*
- ❖ *"Men who have merited this last distinction (shall be) suffered to pass all guards and sentinels which officers are permitted to do."*
- ❖ *"Should any who are not entitled to these honors have the insolence to assume the badges of them, they shall be severely punished."*
- ❖ *"This order is also to have retrospect to the earliest days of the war, and (is) to be considered as a permanent one."* (Rodenbough 404)

Thus the precedent for military awards was established including verification of the action, maintenance of a Roll of Honor, that recipients of military awards should be accorded both unique places of honor among their peers and special privileges. General Washington was also cognizant that there would be some who, desirous of these special advantages, might wear awards they did not actually earn, and from the outset, established "severe punishment" for these imposters who would steal the valor of their comrades.

In 1847 at the outbreak of the war with Mexico, Congress authorized a "Certificate of Merit" to honor valorous deeds. This consisted of a certificate signed by the President and placed in the soldier's file. No medal accompanied the certificate, and only about 500 were presented. It was further interpreted that the *Certificate of Merit* was authorized only for the Mexican War, and upon conclusion of hostilities, no more certificates were awarded to recognize notable gallantry (Watson 17-18).

In December 1861 shortly after the outbreak of the Civil War, Congress moved to establish our nation's first military medal in order to "promote the efficiency of the Navy." The first medal of honor was approved in Senate Bill No. 82, and was to be given only to "petty officers, seamen, landsmen and marines as shall distinguish themselves by their gallantry in action and other seamanlike qualities during the present war (Civil War)."

On July 12, 1862, President Abraham Lincoln signed legislation establishing a similar medal of honor for members of the Union Army. That legislation authorized "the President to distribute medals of honor" in the name of the Congress "to such non-commissioned officers and privates in the Army of the United States who shall most distinguish themselves by their gallantry in action, and other soldier-like qualities, during the present insurrection" (Watson 18).

The legislation for both the Army and Navy Medal of Honor authorized its presentation only to enlisted personnel, as the general thinking was that brevet promotion was sufficient incentive and reward for officers. In 1863 however, Congress amended the legislation authorizing the Army's Medal of Honor to allow it to be presented to officers as well. This was the first change in Medal of Honor law. (Not until 1917 was the law changed to allow Medals of Honor to be awarded to officers of the U.S. Navy, Coast Guard, or Marines.)

Only about 700 Medals of Honor were subsequently awarded in the Civil War. In the decades following the war, as the Medal of Honor gained prominence in American society, numerous Civil War veterans began applying for and receiving Medals of Honor they felt they should have been awarded, after submitting witness statements and letters to the War

Department. This was an understandable desire, as those men who had received Medals of Honor, due the nature of their award, became something of local heroes. They were asked to lead parades, were catapulted to leadership in local GAR (Grand Army of the Republic) organizations, and frequently offered interviews to newspapers and authors. Their deeds were permanently recorded in popular books by men like Theodore Rodenbough, himself a Medal of Honor recipient, and others.

By 1900 more than 2,100 Civil War veterans had been awarded Medals of Honor. Added to these were 426 members of the U.S. Army who received Medals of Honor for heroism in the Indian Campaigns, as well as recipients from all branches of service for other wars and conflicts. At the turn of the century (1900) 3,100 Medals of Honor had been awarded in forty years (Stern).

Table 1: Medals of Honor By War (1861-1900)

War or Conflict	Army	Navy	Marines	Total
Civil War	2107	307	17	2431
Indian Campaigns	426	0	0	426
Korea 1871	0	9	6	15
Spanish-American War	30	64	15	109
Other Acts of Valor	1	116	2	119
TOTALS	2564	496	40	3100

With the increased recognition granted to those men and one woman who had earned Medals of Honor came the problem of imposters, an issue General Washington had foreseen when he established our first military decoration. Some imposters were harmless old veterans who just wanted to tell a good *war story*, others had more criminal intent, bartering on the celebrity accorded war heroes. By 1890 it became increasingly apparent that something needed to be done to protect the integrity of the Medal of Honor. On April 23, 1890, a group of Medal of Honor recipients gathered in Washington, D.C. to form the *Medal of Honor Legion*. They began to lobby Congress for a special pension for valid Medal of Honor recipients which, for the first time, required the keeping of a roster of all who had received the award (Stern).

This *Roll of Honor*, similar to the honor roll General Washington had demanded for the first military awards, served a dual purpose: it provided a list of names of those who were eligible for the Medal of Honor pension, and furthermore it served to expose those who claimed to have received the Medal of Honor but who had not in fact been awarded it.

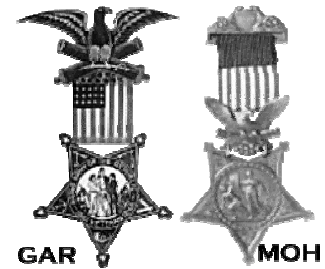
As the War Department continued to be bombarded with requests for Medals of Honor individual veterans felt they had earned three decades earlier, something had to be done to protect the integrity of the awards. On June 26, 1897, President William McKinley directed that new criteria be established that would apply to both new and belated awards. Paragraph 177 of the Regulations was subsequently amended to require that Medals of Honor could only be awarded for service “*performed in action of such conspicuous character as to clearly distinguish the man for gallantry and intrepidity above his comrades.*” It further required

- Incontestable proof of that deed including testimony under oath of one or more eyewitnesses,
- Submissions for awards should come from someone other than the intended recipient.

- All nominations for the award for action after January 1, 1890, must be submitted by the individual's commanding officer or a soldier "having personal cognizance of the act."
- All claims for a Medal of Honor for actions occurring after June 26, 1897, must be submitted within one year of the act (Lang 16).

With tightening legislation the War Department began awarding fewer belated awards. The diminishing opportunity for veterans to obtain a Medal of Honor as evidence of their heroism in the Civil War led to a new problem. Veterans' organizations began designing their own awards for presentation to their membership, some of which looked strikingly similar to the Medal of Honor. The G.A.R. designed a medal for their membership which, when viewed in a photo or from a distance, often gave the impression that the individual was wearing a Medal of Honor.

Table 2: GAR Medal vs. Medal of Honor



To make the Medal of Honor more distinctive, on November 10, 1896, the War Department issued the description of a new ribbon for the Medal of Honor and in 1897 a rosette or bow knot was authorized for wear in lieu of the actual medal, to denote a recipient. In 1903 the design of the Army Medal of Honor was changed and then patented to inhibit the kind of infringement on the design experienced in the late 1800s (Lang xvi). The new medal was designed by George Gillespie, himself a valid Medal of Honor recipient from the Civil War.

The most sweeping changes in Medal of Honor legislation came in 1917 after Congress passed Section 122 of the National Defense Act on June 3, 1916. In efforts to protect the integrity of the Medal, Congress called for a board of five retired Army generals to review every award of the Medal of Honor to date. Retired Lieutenant General Nelson Miles, a Medal of Honor recipient himself and past commander of the Medal of Honor Legion, presided over the board which met from October 16, 1916, until January 17, 1917, in order to review all awards to that date. Upon conclusion of that review it was determined that 905 Army Medals of Honor had been awarded frivolously and six had been awarded to civilians. These 911 awards were subsequently revoked.¹

During this same period Congress also took further steps to recognize military heroes. Prior to 1918 the only medal any member of the military could earn was the Medal of Honor. In 1918 Congress took steps to create lesser medals for acts that were deserving of recognition, but that did not rise to the high standards of the Medal of Honor. The Distinguished Service Cross (DSC) became the Army's second highest award, followed by the Silver Star. Subsequently the Navy Cross was authorized for sailors and marines whose acts might not merit the Medal of Honor but who were deserving of recognition. Over the decades that followed a series of different medals, based on varying degrees of criteria, became the military's *Pyramid of Honor*, with the Medal of Honor at the top of the pyramid.

¹ The case of Captain Asa B. Gardiner illustrates the frivolity with which some prior awards had been made. In 1872 Gardiner, now a Lieutenant Colonel, received his Medal of Honor upon submitting an application to Secretary of War Belknap stating, "I understand there are a number of bronze medals for distribution to soldiers of the late War, and I request I be allowed one as a **souvenir** of memorable times past" (Sterner).

Additional legislation followed in the wake of World War I which saw awards of 118 Medals of Honor, 6,307 DSCs, and 1,854 Navy Crosses, in addition to thousands of Silver Stars (Sterner). While these numbers represent a large number of military heroes, the military's top two levels of award were actually presented to one-tenth of one percent of the 4.7 million men and women who served world wide during that period. During World War II more than 16 million men and women served in the United States military. Only 464 received Medals of Honor, 4,992 received DSCs, and 3,981 were awarded the Navy Cross. These two top levels represented the highest degrees of valor, but in keeping with the spirit of the Pyramid of Honor, soldiers, sailors, Marines and airmen who were deserving of some recognition, were indeed honored. Silver Stars were awarded to 73,651 veterans, and the Bronze Star which ranked seventh in the pyramid of combat awards, was presented to nearly 400,000 veterans (Sterner).

"For the impossible, one receives the Medal of Honor, for the almost impossible, the Distinguished Service Cross or the Navy and Air Force Crosses. These are indisputable proof that you performed with valor at great risk to yourself. 'Sir, I'd rather be a second lieutenant with a DSC than a general without it,' said George Patton in 1918" (Burkett 354).

Since World War I it has been rare for Medal of Honor recipients to survive the heroic action that earned them their nation's highest award. Of 843 Medals of Honor awarded from the beginning of World War II to present, 518 awards were presented posthumously to the relatives of a dead hero. When Congress chartered the Congressional Medal of Honor Society in 1947, and charged that organization with maintaining the *Roll of Honor* and working to protect the integrity of the Medal of Honor, there were only about 400 living Medal of Honor recipients that included heroes all the way back to the Civil War. By 1990, despite the addition of new heroes from the wars in Korea and Vietnam, the roll call of living recipients had been cut in half, and at the time of this report there are only 120 living recipients of the Medal of Honor—the smallest number in history.

Intent of Recent Medal of Honor Legislation

The Medal of Honor is one of the most cheaply manufactured military decorations... it is a low-bid item on the Pentagon inventory. Its extreme rarity, only 3,460 have been awarded in 140 years, has made it extremely valuable to collectors. The honor its presence bestows on the few who wear it also makes it a coveted item for imposters and individuals with criminal intent (Cottone).

In 1996 F.B.I. Special Agent Tom Cottone found evidence that H.L.I. Lordship Industries, the low-bid company commissioned to manufacture Medals of Honor for the Pentagon, had produced hundreds (perhaps more than a thousand) of unauthorized Medals of Honor. These were blank medals, struck from the same dies as the *real* medals produced for the President to present. H.L.I. Lordship Industries sold these *black market* medals for \$75 apiece. These in turn were sold at gun shows or on the Internet for prices usually in excess of \$500 each.

In October 1996 following Agent Cottone's investigation, H.L.I. Lordship Industries pled guilty to multiple federal charges including the unauthorized production and sale of 350 Medals of Honor. The company lost all federal contracts for 15 years, but most of these unauthorized Medals were never recovered (Pueblo).

Agent Cottone suspects that the actual number of illicit Medals of Honor turned out by H.L.I. Lordship Industries and flooding the market was probably triple the number the company admitted to. The ultimate result was that a large number of individuals, many of whom had never

even served in the military, are now wearing or displaying Medals of Honor purchased in illegal sales and portraying themselves as war heroes.

Directly as a result of Agent Cottone's investigation of H.L.I. Lordship Industries, and subsequent discovery of numerous Medal of Honor imposters, Chapter 33, §704 of Title 18, U.S.C. was amended to make it unlawful to:

- Illegally manufacture a Medal of Honor
- Sell or trade a Medal of Honor, ribbon, or rosette
- Wear the Medal of Honor, ribbon, or rosette unless the award had been properly authorized under established code regarding award of the Medal of Honor.

The Role of Heroes in our Society

Heroes as Role Models

On May 29, 2004, the city of Washington, D.C. hosted an impressive array of veterans and celebrities for the dedication of the World War II memorial. The new attraction on the mall in the Nation's Capitol was designed to be a reminder to future generations of the sacrifice and valor of more than 16 million American men and women who served in uniform during World War II.

Hollywood movie star Tom Hanks appeared far less impressed with his own importance to this historic occasion, seeking out rather the more than two dozen men who stood-out on a day when the platform was crowded with the famous and powerful. Nearly half of the nation's 48 living World War II Medal of Honor recipients, despite an average age of 84.4 years (Stern), made the trek from as far away as Hawaii to be among their fellow veterans.

The distinctive blue ribbon around the neck of each man, highlighted by the 5-pointed star that denotes *valor above and beyond the call of duty*, quickly told all who were in attendance that they were among icons of American history. John Finn, at age 95 the oldest living recipient, was seated between two former Presidents. His conversations with them were regularly interrupted by those who wanted to shake his hand: Condolezza Rice, General Richard Myers, Don Rumsfeld, Tom Brokaw, and others. The experiences of his fellow recipients was much the same. While few Medal of Honor recipients achieve the fame and name-recognition of Sergeant York, Audie Murphy, or Jimmy Doolittle, the medal itself is unmistakable. So rare is it to meet a recipient of the Medal of Honor, most military veterans have never actually seen the medal itself.

These heroes are humble men, veterans who quickly proclaim that *"I only did my duty,"* and *"This medal doesn't belong to me. I wear it for all the other guys who did so much, especially those who never came home."* For the most part they are unassuming individuals who would never stand out in a crowd unless you saw that distinctive award that says the man behind the medal is one of our greatest heroes.

For this reason, Medal of Honor recipients are highly sought after to speak in schools, on special patriotic occasions, to lead parades on Independence Day and Veterans Day, and other high-profile events. Despite their advanced age, (even including the recipients from more recent wars the average age of the 120 living recipients is 75 years), these men feel it is their duty to continue to serve. For many of them the medal is not so much an honor as it is an obligation—an obligation to their fellow veterans and their patriotic duty to the young.

David Wilk echoed the common sentiment of Medal of Honor recipients when he gave the keynote address at the Dallas Veterans Affairs Medical Research Day program in 1996. The former *Green Beret* and Vietnam veteran stood proudly before the audience, the Medal of Honor prominently displayed around his neck, and said “This is given to me for all those who didn’t get it.” The fact of the matter was, David Wilk “didn’t get it” either. Wilk had never been in the elite Special Forces and his only tour of duty outside the United States was a brief stint as a truck driver in Germany (Burkett 363). The medal he wore wasn’t presented by an American president to a war hero; it was purchased from a dealer by a con-man and a fraud.

The Cost of Stolen Valor

It can be argued that bogus heroes like David Wilk perpetrate a *victimless crime*. Their misrepresentation of military service and heroism in combat may, on the surface, appear to be harmless lies. Vietnam veteran and author B. G. Burkett addresses the problem in his acclaimed book Stolen Valor. The title of that 700-page treatise reflects Burkett’s reaction to such activities. In the book he details a number of true cases of *war hero fraud* ranging from individuals who wear medals they didn’t earn to those who try to evoke sympathy as former POWs (Prisoners of War) when in fact most never even served in the military. Burkett sees such lies as more than a victimless crime. These men, he believes, are actually stealing the valor of true veterans, the real heroes, and the men who actually did endure much suffering as POWs.

Doug Sterner authors the most authoritative and complete website on the Medal of Honor and advises the F.B.I. in matters of imposters. He was recently recognized by F.B.I. Director Robert Mueller for his work. Sterner states that when he first began encountering Medal of Honor imposters as a result of his website, he was personally angry but did not see the full depth of the damage wrought by such fraud. He recounts that in one of his early conversations with Special Agent Cottone he indicated that, while he despised what these men did, he saw them more as pathetic individuals looking for recognition than as criminals. Tom Cottone told Doug it has been his experience that the men who have such low moral character as to steal the valor of true heroes are frequently the same kind of men who commit other crimes. Sterner states that as he has continued his work of exposing imposters and turning them over to the F.B.I. he has found this to be accurate. In one particular case when agents arrived to arrest one imposter Sterner had reported, the individual first flashed a bogus N.S.A. (National Security Agency) identification card on the F.B.I. agents, and then gave a false name. When his true identity was finally uncovered the man was wanted in another state on outstanding warrants (Sterner).

Of perhaps even greater importance to Sterner in his efforts to expose the imposters is the toll that their activities take on the young. True Medal of Honor recipients are eager to visit in schools to teach patriotism, not to aggrandize themselves. Imposters find such settings a means to personal gratification in the “hero worship” they can manipulate. When these imposers are exposed as frauds, “*It’s a rude awakening to reality—like telling a kid there is no Santa Claus. Once burned – twice shy,*” he says. He believes that when such deception is finally exposed, it has a very negative effect on the young who have been taken advantage of, robbing them of the opportunity thereafter to believe in the true heroes (Sterner).

Bruce Cotta was a highly regarded Vietnam veteran and local hero; he was touted as Rhode Island’s most decorated war hero. U.S. Representative Patrick J. Kennedy had personally pinned the Distinguished Service Cross on Bruce Cotta in August 2000 when it was belatedly awarded. Mr. Cotta drove a vehicle with distinctive DSC license plates, spoke to veterans and youth around his state, and was grand marshal of the Aquidneck Island National Police Parade.

At the request of Representative Kennedy, with whom Cotta frequently appeared in public, the United States Congress even passed a bill naming a post office after him (Gillis).

Bruce Cotta was a bona-fide Vietnam veteran and had earned several awards for valor including the Silver Star. He was not, however, the hero his bogus Distinguished Service Cross proclaimed him to be. The medal itself was purchased on the Internet. Cotta then took it to a local trophy shop to have his name engraved on the back. He also purchased a blank DSC citation online, filling in his name and bogus details of his heroism (Gillis).

To further compound his fraud, Cotta created a phony military general order awarding him the DSC, along with a letter forged on his computer. All this he sent to Representative Kennedy's office in a military envelope with a military return address. It was no wonder the con-man successfully duped a congressman, his own family, his community, and his whole state. Fortunately, Cotta became yet another criminal in the growing list exposed and prosecuted thanks to Tom Cottone, B.G. Burkett, and the U.S. Attorney's office (Gillis).

Protecting the Medal under the U.S. Code

There are basically two reasons why an individual might want to purchase a Medal of Honor. There are those collectors who want the rare award for display. There are also those unscrupulous individuals who want these medals in order to bolster lies about their own *heroic* service. Fraud has even been perpetrated on the TRUE recipients. In one case an individual offered to polish the medals for the recipients, and then swapped out the original medal with a knock-off without the recipient being aware of it for some time. There have also been several instances of Medals of Honor being stolen from homes or hotel rooms when recipients were attending functions. More recently, thieves broke a display case at the National Medal of Honor Museum aboard the *U.S.S. Yorktown*, stealing several original Medals of Honor.

In the face of these problems, Congress recently revised Section 174 to address the problems created by unauthorized Medals of Honor on the market, as well as the stolen medals that have been sold or bartered on the *black market*. Among the most recent revisions in the code:

- Prohibitions against unauthorized MANUFACTURE of the Medal of Honor.
- Prohibitions against unauthorized WEAR of the Medal of Honor.
- Authorization for valid Medal of Honor recipients to obtain a second, or replacement Medal of Honor. This last provision makes it possible for valid recipients to safely store their original medal, the one presented to them by the President, and take with them the duplicate for wear when they travel.

These recent changes in the 14-decades of Congressional action to protect the Medal of Honor and the roll call of our heroes were badly needed to avoid another situation such as occurred with H.L.I. Lordship Industries. By prohibiting the sale or trade of Medals of Honor, the legislation was also hoped for as a means of cutting down on the number of individuals obtaining and wearing a Medal of Honor they were not entitled to have.

Loopholes in the Law

Prosecuting Medal Fraud

Second Lieutenant John Wroblewski was the first New Jersey Marine to be killed in action during Operation Iraqi Freedom. Funeral Mass was held for him in April 2004 in his

hometown and ironically, in F.B.I. Agent Tom Cottone's own church. Agent Cottone attended the services to honor the memory of a fallen warrior. During the ceremony he was struck by the image of a Marine Corps captain sitting on the front row, attired in full-dress uniform with nearly two dozen ribbons indicating among others, the Navy Cross, Distinguished Flying Cross, two Silver Stars, two Bronze Stars and three Purple Hearts (Martin).

Sensing something amiss when this highly-decorated Marine failed to stand smartly at attention during Taps, following the ceremony Agent Cottone sought an opportunity to visit with Captain Walter Carlson, who was eager to share the war stories of three combat tours in Vietnam that had earned him the awards he proudly displayed. As the bogus hero's story became more and more obviously a fabrication, Agent Cottone identified himself and asked if Captain Carlson had actually earned the awards he wore. Confronted by the agent, Carlson admitted that he had not. Ultimately, in fact, he confessed that he had never even served in any branch of the military. The uniform, captain's bars, and all the medals had been purchased, not earned (Martin).

Walter Carlson was arrested and charged under current statute with wearing unauthorized medals. Joseph Bill, Jr., the special agent in charge of the F.B.I.'s Newark division, in a newspaper interview noted the seriousness of the offense, stating that the F.B.I. would continue to pursue such frauds. "The F.B.I.," he said, "will do whatever it takes to assist the military to ensure the integrity of its medals, especially now in a time of war (Martin).

By actually wearing the ribbons for unauthorized military awards, Walter Carlson was in violation of Federal Law and subject to prosecution. He is one in a long list of phony heroes who have been successfully prosecuted under Title 18. It seems, however, that many judges consider such an offense minor, and there is reluctance on the part of some district attorney's to prosecute. Following the arrest of Walter Carlson, Agent Cottone was asked by reporters if indeed the imposter's offense was not a rather trivial one. Agent Cottone's response was revealing. "The Marine we buried today earned the Purple Heart by giving his life," Cottone noted. "Walter Carlson got his Purple Heart for \$30" (Cottone).

Walter Carlson was exposed almost by accident; Agent Cottone with his expert eye just happened to be in the right place at the right time. More commonly, these imposters are exposed as the result of tips which have become more frequent with advances in technology. Doug Sterner operates a large website at www.HomeOfHeroes.com which lists the names of each of the 3,460 recipients of the Medal of Honor since its inception, along with the text of the citations accompanying their award. He also has extensive information on all 120 living recipients, making it possible for anyone with a computer to quickly verify an individual's claim to being a Medal of Honor recipient.

Sterner's website also lists the names of all 191 recipients of the Air Force Cross, all 6,925 recipients of the Navy Cross, and more than half of the more than 13,365 recipients of the Distinguished Service Cross. His website is used by both the Pentagon and the F.B.I. to verify awards of the top two medals in the military's *Pyramid of Honor*. On May 19, 2002, Sterner received an email from an individual who had seen a photo on the desk of a man in Kansas City with the last name Tufts, showing him wearing a Navy Rear Admiral's uniform with a SEAL insignia and a Medal of Honor ribbon. That information was turned over to Agent Tom Cottone who launched an investigation. Tufts is the case referred to earlier who, when confronted, flashed a false N.S.A. identification card on F.B.I. agents, and then gave a false name. Ultimately, he was charged, pled guilty, and was sentenced for his crime. He also had an outstanding warrant for other criminal activity in Louisiana not related to his medal fraud (Sterner).

Revisions in the U.S. Code governing the manufacture and wearing of Medals of Honor or other unearned awards have effectively removed Medals of Honor from the American market place. It has also made it much easier to prosecute individuals like Walter Carlson who was caught wearing ribbons denoting unauthorized awards, or Mr. Tufts who was photographed wearing a Medal of Honor ribbon.

Those individuals who somehow still manage to purchase or otherwise obtain one of the hundreds of illicit Medals of Honor or Medal of Honor ribbons still hidden on the market, dare not wear them. Current technology almost insures that they will be quickly identified as imposters, and if there is evidence that they wore the award, they may be prosecuted and may be sentenced to jail time.

In this regard, current legislation has been quite effective. The only Medals of Honor appearing on E-bay in the last year were medals being sold in Germany or the United Kingdom, beyond the F.B.I.s jurisdiction. In one recently advertised E-bay sale, the seller indicated in his web page that he would only sell to buyers who resided in the United Kingdom. For all intents and purposes, the word is out and spreading rapidly that it is against the law to sell or trade a Medal of Honor, and that violators in the United States will be prosecuted. With this diminishing supply of Medals of Honor to give credence to an individual's false claims to the award, and the publication recently of numerous news stories regarding prosecution of imposters like Cotta, Carlson, and Tufts, one would believe that the number of imposters would have dropped dramatically.

Loopholes in the Law

On October 1, 2002, Sterner received an email from Diane Mary Hossley in Tennessee regarding an individual named Lawrence Hammer that she believed to be a Medal of Honor imposter. The text of that email is quite revealing in understanding the criminal intent of many of the men who use the honor associated with military awards to prey on others:

“Mr. Hammer claims to be a former Navy Seal who won the Medal of Honor for being shot twice in Vietnam. I am a VA employee at Bay Pines VA Medical Center, Bay Pines. Mr. Hammer was a patient and a CWT worker at this hospital when I met him. I was widowed 3/3/01, and Mr. Hammer knew about the time I spent taking care of my husband before he died. Mr. Hammer conned myself and many people here at the VA by claiming Navy Seal status and Medal of Honor recipient (sic). He used a fraudulent (sic) DD-214 to gain employment and care. He moved in with me 4/02 and convinced me that he was an excellent (sic) craftsman and would have a very successful business restoring period furniture (he claimed to have had a business (Sawtooth Woodworking) in Savannah, Ga. and was very successful until a woman ruined his business. Mr. Hammer took me for over \$45,000. in tools and a truck, money and jewelery (sic) of my late husbands (sic). He took off on Aug. 16th, 2002. I have since had contact with a Susin Tyler-Mitchel in Savannah who told me he did exactly the same thing to her! He also did this to a woman in S. Carolina named Krissy (I have no last name) who had him arrested for domestic violence. He has an outstanding warrant (sic) in S.Carolin (sic) for Probation violation. Ms. Tyler-Mitchel said I was fortunate as she was beaten and choked (sic) by this man before he left her. This man is a danger to society and especially to women, I am afraid some one will be killed by him, if it has not been done already. He told

myself and many people here at the VA that he was trained to KILL in the SEALs and has already killed one man that had molested his daughter, Mr. Hammer has no children and has never been married according to his Father in Billings Montana(I found his dad on the internet and called him). This man is a predator (sic) of women with his cunning actions and intelligence. I want to see this man exposed before any more women are taken in by him. Thank you.”(Stern)

Stern submitted this information to Agent Tom Cottone in order to open an investigation. On February 21, 2003, ABC Action News in Tampa, Florida, exposed Hammer’s lies. Diane Hossley bravely shared with news reporters how she was conned and swindled by Hammer. When confronted by Action News reporters, Hammer cursed and threatened “Get that (camera) out of my face!” (ABC).²

If sufficient evidence of the fraud or larceny allegedly committed by Mr. Hammer against Ms Hossley and perhaps other women could have been proved, this criminal could have been prosecuted. Nothing, however, can be done about his false claims of being a Medal of Honor recipient. Though Mr. Hammer repeatedly used this line to work his way into the hearts of women and the confidence of others, there is no evidence that he ever possessed or wore the Medal of Honor. Hammer therefore, avoids prosecution by slipping through a loop-hole in the legislation intended to protect the integrity of our military heroes.

More recently Stern reported on a current investigation, uncovered with a resident³ of a small town in Arizona sent him a copy of their newspaper printed the day before Veterans’ Day 2004. The newspaper featured the story of a local military hero and veteran spanning one-and-a-half full pages, complete with photos. The individual claimed to have earned two Silver Stars, one of which was received for heroism in the first Gulf War. He further claims to have participated in the 1993 Mogadishu action immortalized in the Hollywood movie “Blackhawk Down” while noting, “I declined to talk to Hollywood about it. I did not give any interviews” (Reno).

This individual further claims to have been part of the U.S. Army element that captured Sadaam Hussein, and his display of medals includes two Silver Stars, the Legion of Merit, two Bronze Stars, and a Purple Heart, among other awards. He further states that he was awarded the Distinguished Service Cross, which is not shown in his display case. Regarding that award, the Army’s second-highest award, the news story reported, “Only his Distinguished Service Cross is missing. That was buried recently with a godfather who helped raise him as a youngster” (Reno).

Since the end of the Vietnam War only two Distinguished Service Crosses have been awarded, and neither was to the individual named in the news story (Stern). Under the loopholes in current legislation, this individual was able to dupe his local newspaper and his community, yet little can be done to him. It is not against the law for him to display medals, nor would he be in violation if his display case actually included a Distinguished Service Cross. The Medal of Honor is the only American military medal prohibited from sale. And personal claims aside, unless the individual actually wears an award they did not honestly earn, they cannot be prosecuted under the law (Cottone).

² An online video of the news cast regarding Mr. Hammer’s fraud, including interviews with Diane Hossley, can be seen online at: <http://www.abcactionnews.com/stories/archive/030221fake SEAL.shtml>

³ Because this case is currently under investigation, Mr. Stern declined to identify the subject involved.

Furthermore, while it is against the law to sell the Medal of Honor, ribbon or rosette, it is NOT against the law to sell a bogus CERTIFICATE. E-bay has frequently displayed advertisements for BLANK citations for the Medal of Honor, Navy Cross, Air Force Cross, or Distinguished Service Cross. (See Appendix B for examples) These blank citations are identical to the actual citations, and the intent of one who purchases them is quite clear. It is a simple matter to fill in the blank lines with one's own name, write a few lines about a heroic deed, frame the certificate and hang it on the wall to announce to the world that you are one of America's most honored heroes. Despite all such activity, the imposter would not have violated any law (Stern).

Illinois District Judge Michael O'Brian actually possessed TWO Medals of Honor, both of which hung prominently in a frame on the wall of his courtroom. Everyone in his city believed their judge was not only an honorable man of the judicial profession, but one of America's greatest heroes.⁴ There can be no doubt about the judge's intent in the display of these two awards, and he may well have escaped disclosure of his lie had he not tried to carry his fraud too far. Illinois provided valid Medal of Honor recipients with distinctive license plates for their personal vehicles. When Judge O'Brian applied for his Medal of Honor plates, someone at the Department of Motor Vehicles contacted a true recipient who was an acquaintance and learned that Judge O'Brian was a fraud (Pueblo).

Judge O'Brian's lies were subsequently exposed but he avoided prosecution. While it is against the law to manufacture, wear, buy, sell, or trade the Medal of Honor, it is not a criminal offense to possess one or display it on your wall. Unless evidence could be found indicating that the judge had committed any of the aforementioned, he was innocent of any crime. "We couldn't prosecute O'Brien under federal law because he wasn't actually wearing the Medal, which is illegal for an impostor to do," Cottone explained (Pueblo).

Doug Stern points out that medal fraud takes on two forms. "There is a difference between a **much-decorated** and a **highly-decorated** veteran," he states. He notes that some individuals may have many rows of ribbons or numerous medals, all of which may be quite low in the *Pyramid of Honor*. A quantity of medals does not necessarily indicate someone who has seen combat, but may in fact simply denote an individual with many years of service, and many overseas deployments. He notes, however, that the sight of multiple rows of medals are generally perceived by the public, who may not recognize the ribbons as being ordinary decorations presented for good conduct or service, and think they are seeing a great hero. Stern believes that these phony heroes are well-covered under existing legislation. He says that the much-decorated veteran usually has to WEAR the medals in order to convey the message they want to give others. Under existing law, wearing ANY medal regardless how common or how low in the rank of precedence, is illegal if the award has not been issued under duly approved orders (Stern).

The presence of a single medal or ribbon, if it represents the Medal of Honor, quickly elevates the wearer above the highest ranking general with multiple rows of ribbons. Such an individual is a HIGHLY-DECORATED veteran. Because the Medal of Honor, as well as the DSC, Navy Cross, and Air Force Cross are so highly regarded, it is often sufficient for an individual to be known to have been awarded it, whether they wear it or not. For this reason a number of individuals can skirt the law, doctoring blank citations, putting lies on resumes and/or

⁴ Prior to World War II there were actually fifteen men who received two Medals of Honor for two separate acts of heroism. Legislation in 1918 prohibited any subsequent multiple awards of the Medal of Honor, so since the end of World War II it has been impossible to become a double recipient (Stern).

websites, or even by stating in a public address that they are a recipient of any one of these top awards, and quickly receive great respect and acclaim without violating any law.

Closing the Loop Holes

Tom Cottone is concerned with the increasing number of cases of medal fraud he cannot prosecute because the perpetrators have skirted the law, never stepping over the boundary. “Most of these impostors are men who have never seen combat,” he said. “They need to feel important, to be someone, and pretending to be a Medal recipient is a way to do that. They like to claim it’s a victimless crime, but they are stealing the honor from men who gave their lives for this country and from any veteran who served.” Agent Cottone further noted that such claims can bring fraudulent monetary gain. “Let’s say you’ve got a real estate company or some other business and you just happen to mention in your literature or advertising that you received the Medal of Honor in Vietnam or somewhere. Don’t you think that would bring you a little more business than your competitors? It (medal fraud) does pay off for those guys until they’re caught,” (Pueblo).

The real problem is, even when these impostors are caught, in too many cases they cannot be prosecuted for committing a crime. The loop hole requiring them to WEAR the medal for charges to be filed means the worst that can happen is exposure and public humiliation. While this may be severe in some cases, to date the potential for such has failed to deter the increase in cases of medal fraud.

Ignoring the Problem

When faced with this situation it is possible to simply ignore the problem and proclaim medal fraud a “victimless crime” that does not warrant further attention. This option is a status quo approach in the belief that it is sufficient to protect the Medal of Honor as an object, without protecting the integrity of the true heroes who have received it.

Ignoring the problem can only lead to increased numbers of what are commonly called “wannabe heroes” speaking in our schools, marching in local parades, and providing role-models for our future heroes. It is also evident from past examples that many of these impostors will use the notoriety and respect the Medal of Honor, POW status, or other high military awards evokes, for personal gain, often even at the great expense of others. Dianne Hossely was so enamored with the (false) heroic service of Lawrence Hammer that she allowed him to use her credit cards with which he ran up thousands of dollars of debt. She also co-signed on a truck for Hammer, never suspecting that a man of such character as to earn the Medal of Honor, would fail to make payments on it. Ultimately, Ms Hossely was forced to file for bankruptcy while Lawrence Hammer escaped without charges for his deceit.

Protecting the Integrity of the Medal’s True Recipients

A far more preferable alternative would be to make the necessary changes in the U.S. Code to protect not only the medal itself, but the reputation of the true heroes who wear or were awarded it posthumously. Such a step would involve re-writing the legislation to make it a crime to knowingly and/or fraudulently impersonate a Medal of Honor recipient, whether the medal was worn or not. Under this option an individual applying for Medal of Honor license plates, forging certificates or documentation, intentionally publishing information identifying one’s self as a Medal of Honor recipient, and similar activities, could be prosecuted for medal fraud.

This alternative to the problem would establish penalties for committing criminal impersonation of a Medal of Honor recipient. Such statute would not be without precedence, already there are various state laws governing criminal impersonation ranging from misdemeanor to felony offenses. In most states it is illegal to impersonate law enforcement officers, physicians, attorneys, and others. As the Medal of Honor is an award established by Congress, authorized by Federal action and protected under the U.S. Code, criminal impersonation of a Medal of Honor recipient should be addressed in Title 18, Chapter 33, § 704 with the addition of the simple phrase:

“Whoever knowingly and fraudulently wears and/or represents him or her self as having received a Medal of Honor, Distinguished Service Cross, Navy Cross or Air Force Cross, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.”

Protecting the Integrity of Highly-Decorated Americans

Doug Sterner notes that while technology has made it easier to identify fraudulent Medal of Honor recipients, the increased risk for Medal of Honor impostors has spawned a rash of wannabe heroes of less daring nature. He states that since there have only been 3,460 Medal of Honor recipients and only 120 are currently living, a Medal of Honor phony is quick to spot. There have been nearly 21,000 awards of the military's second level of awards the DSC, Navy Cross, and Air Force Cross. Sterner estimates that there may be as many as 5,000 living recipients of these three lesser, but still highly-regarded awards. Those who would attempt to portray themselves as heroes today are more inclined to fraudulently claim one of these three awards as there is less risk of exposure. Despite the fact that these are second to the Medal of Honor they are still rare awards, (21,481 awarded out of more than 32,000,000 veterans who have served since they were authorized,) and yet any one of the three evokes great respect and high admiration for what they represent. Recipients of the Medal of Honor, the Distinguished Service Cross, the Navy Cross, or the Silver Star are all eligible for membership in the *Legion of Honor* that represents those awarded our nation's top THREE levels of military awards for valor (Sterner).

It is the recommendation of this report that legislation protecting the Medal of Honor from criminal impersonation also include the Navy Cross, Air Force Cross, Distinguished Service Cross, Silver Star and Purple Heart, indeed perhaps, ALL military decorations. Agent Tom Cottone recently noted, "We (F.B.I.) don't say that we will only prosecute counterfeiting \$5, \$10, \$20 dollar bills or larger, but that counterfeiting \$1 bills is so minor as to not warrant immediate attention." So too, the man or woman who wears ANY unearned military award, regardless how low on the Pyramid of Honor, is no less an imposter, and should therefore be considered no less a threat to the honor of our military awards system (Sterner).

Doug Sterner notes that in recent months there have been four to five times more impostors wearing DSCs, Navy Crosses, and Air Force Crosses, than have been reported wearing the Medal of Honor (Sterner). Because the number of recipients of these three is relatively few (less than 22,000 total), this third policy alternative should be adopted. Such action would amend Title 18 (U.S.C.), Chapter 33, § 174 as follows:

(a) In General.--Whoever knowingly wears, manufactures, or sells 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, or the ribbon, button, or

rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, or

“Whoever knowingly and fraudulently wears and/or represents him or her self as having received a Medal of Honor, Distinguished Service Cross, Navy Cross or Air Force Cross, or other military award or decoration, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.”

shall be fined under this title or imprisoned not more than six months, or both.

(b) Congressional Medal of Honor.—

(1) In general.--If a decoration or medal involved in an offense under subsection (a) is a Congressional Medal of Honor, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.

(2) Definitions.--(A) As used in subsection (a) with respect to a Congressional Medal of Honor, “sells” includes trades, barter, or exchanges for anything of value.

(B) As used in this subsection, “Congressional Medal of Honor” means--

(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

(ii) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 4.

The fiscal impact of this proposal is negligible beyond the cost of investigation, prosecution, and disposition. Mr. Sterner notes that by including the second level of awards of the *Pyramid of Honor* in the amendment, as well as all other awards below these, it will place demands on the U.S. Military to compile a roll of honor for these awards. The roll of the names of Medal of Honor recipients has been well-kept and widely published as such was ordered by Congress in the legislation of 1918. There isn’t a full database for recipients of awards other than the Medal of Honor. Sterner has personally generated and posted in his website the complete roll of honor for the 191 recipients of the Air Force Cross, and is convinced that his list of 6,925 recipients of the Navy Cross is 99.9% complete and accurate. He has further compiled the list of all DSC which he believes is 99.9% complete and accurate. His database, though used by the F.B.I., the Pentagon, and other official military historians, is an unofficial one (Sterner).

“It is a tragedy,” Sterner states, “that the men and women who have been so highly honored as to receive the DSC, Navy Cross, or Air Force Cross have virtually faded into oblivion in American history.” According to Sterner, without an official roll of honor for these awards, it often takes considerable time and expense to verify awards when potential imposters are found wearing or claiming them. The expense of generating an official roll of honor for the second level of the military’s *Pyramid of Honor* will in time be off-set by saving money in the current cost of investigation. It is only right that the posterity of these heroes have readily available historical documentation of their loved-one’s deeds of valor (Sterner). Furthermore, it is quite in keeping with the precedence for military awards established by General George Washington when he introduced the first military awards in 1782.

Summary of Policy Options

Both Mr. Doug Sterner and F.B.I. Agent Tom Cottone, two of the most respected authorities on military awards alive today, believe it is incumbent upon Congress to take steps quickly to close up the loophole that has generated a rash of bogus war heroes. The two men believe that whenever a veteran visits a school, the students who hear their stories of patriotism and service deserve to know that the message they hear is coming from a genuine hero, not a *Walter Mitty* who has fabricated his or her heroism.

Abuse will doubtless continue. Not all wannabe heroes claim medals fraudulently, some simply claim veteran status for matters of personal pride, to evoke sympathy, or to try and obtain veterans' benefits. Doug Sterner estimates that millions of dollars of Veterans benefits each year are stolen by bogus heroes, sometimes bogus veterans, who have phoned up their DD-214 (discharge papers). Such impersonation is so rampant as to be almost impossible to address and prosecute. In most of these cases, exposure and public humiliation must serve as punishment. More importantly, the bogus veterans, when exposed, are at least taken out of circulation.

Those who are acclaimed as heroes however, men and women awarded our nation's top military decorations, deserve to have their sacrifice and valor protected from the unscrupulous. This can be quickly and efficiently accomplished with the proposed revision to the U.S. Code, thereby enabling Agent Cottone and other dedicated law enforcement officers to rid our society of those who would pretend to be dedicated patriots, when they are only self-serving thieves.

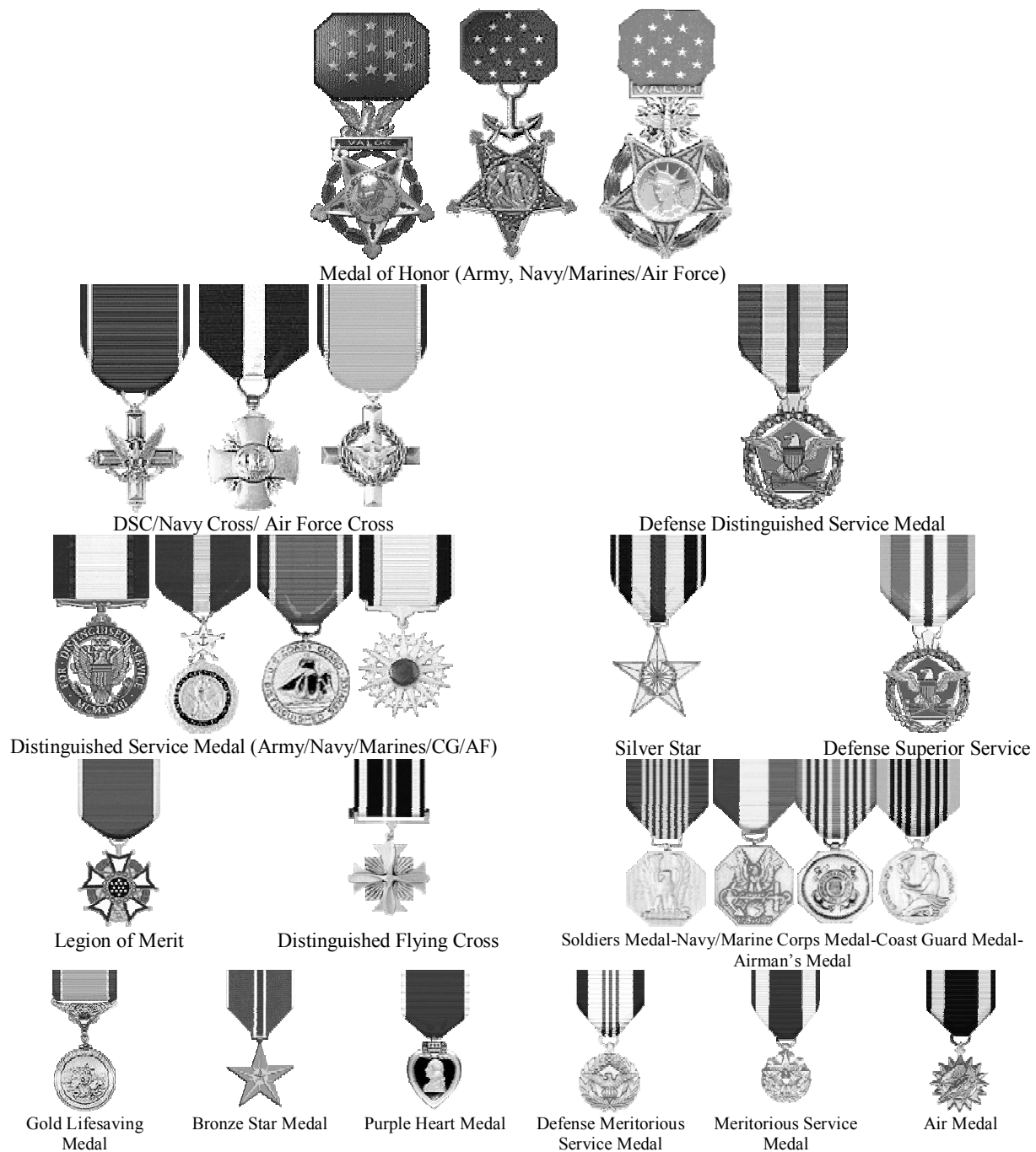
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Appendix A – The Pyramid of Honor

The following diagram illustrates the military's *Pyramid of Honor*, a series of military decorations rising in degree of criteria for award and in precedence of honor with the Medal of Honor as the highest award. (There are numerous campaign ribbons at the lower levels of the pyramid that are not included in this diagram.)

Table 3: The Pyramid of Honor

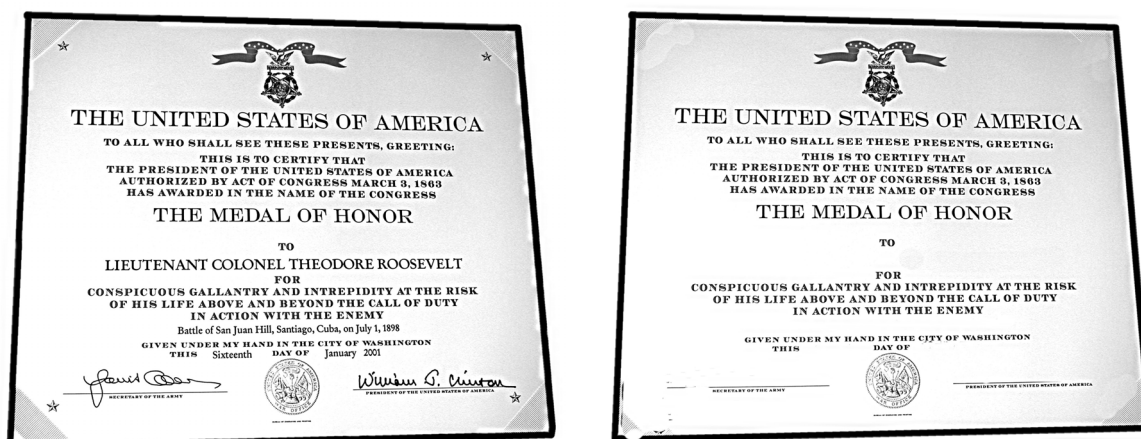


Information and images from www.HomeOfHeroes.com/medals/index.html

Appendix B - Certificates

Below are two certificates for the Medal of Honor. To the left is a photo of the actual certificate for the Medal of Honor belatedly awarded Theodore Roosevelt. To the right is seen a blank citation such as can be purchased on E-bay. Similar blank citations can be purchased for the Distinguished Service Cross, Navy Cross, or Air Force Cross. Sale of these blank certificates is not prohibited by any current law.

Table 4: Medal of Honor Certificate



Images provided by www.HomeOfHeroes.com

Appendix C – True Heroes compared to Medal of Honor Impostors

Table 5: Medal of Honor Impostors



LEFT: Corporal Terry Kawamura never got the Medal of Honor he earned. When his unit was attacked in Vietnam he saw an explosive charge stun two other soldiers, followed by a second charge that was thrown near them. Realizing they were helplessly at the mercy of the second charge, Cpl. Kawamura threw his body on the explosive to save the lives of his two helpless comrades. His Medal of Honor, earned at the cost of his life, was posthumously presented to his mother.

CENTER: David Wilk proudly wears the Medal of Honor he never earned while addressing veterans in Texas. The bogus hero got his medal by buying it.

RIGHT: Lawrence Hammer never violated the law by wearing the Medal of Honor. Instead he simply told war stories of being a Navy SEAL who earned the Medal for heroism in Vietnam. His fraud enabled him to bilk one woman, and perhaps many more, who gave him their utmost respect based upon his phony stories as a hero.

Images provided by www.HomeOfHeroes.com

Appendix D – William Kovick

The following 2005 case was widely reported after being picked up by the Associated Press, and illustrates how flagrant some medals fraud violations can be. Mr. William Kovick addressed his hometown audience for Memorial Day, wearing not only the Medal of Honor, but the Navy Cross, Silver Star, Bronze Star, Purple Heart, and other unearned awards. Though Mr. Kovick was in violation of Title 18 by WEARING the awards, to date no decision has been made to prosecute him.



STOLEN VALOR

06/27/2005

JOSH FAHLSING, The Huron Daily Tribune

Area man did not receive Medal of Honor.

CASEVILLE — What began as a simple Memorial Day speaking engagement at Port Elizabeth Marina and Yacht Club turned into the unraveling of a longtime deception for one Caseville man who misrepresented himself as a Congressional Medal of Honor recipient.

A photograph of William Kovick, 76, of Caseville, appeared on the front page of the Huron Daily Tribune May 31. In the photograph, taken by Tribune freelance writer and photographer Kate Finneren, Kovick is pictured wearing what appears to be a Congressional Medal of Honor. According to information provided the day of Kovick's appearance, Kovick was a Medal of Honor recipient and a "highly decorated Chief Warrant Officer."

Shortly after the photograph appeared in the newspaper, questions arose regarding the authenticity of Kovick's medal when the Tribune was contacted by Colorado resident Doug Sterner. Sterner told the newspaper Kovick was not a Medal of Honor recipient. Tribune searches of several online databases of Medal of Honor recipients did not turn up Kovick's name. Soon the Tribune was able to confirm through the FBI, Congressional Medal of Honor Society and homeofheroes.com, a website devoted to the Congressional Medal of Honor operated by the military veteran Sterner, that Kovick was not a Medal of Honor recipient.

Sterner contacted Special Agent Thomas Cottone Jr. of the FBI's Newark, N.J. Division in West Patterson, N.J., and Cottone contacted FBI Supervisory Senior Resident Agent Walter H. Reynolds at the FBI's Bay City office. Reynolds assigned the case to Special Agent Steve Flattery, who immediately began an investigation.

It is against the law to wear, sell or manufacture valor awards without permission. Penalties include up to a year in jail and a \$100,000 fine for individuals and \$200,000 for corporations for wearing, selling or manufacturing the Medal of Honor illegally.

"The penalties for the Medal of Honor (imposters) are crystal clear," Cottone said. "The intent of the federal law, and what the FBI is trying to do here, is to maintain the integrity of all the military awards and medals because people in our military — particularly our veterans — pay such a high price. Some pay with their lives. The very least the FBI can do for those people is to protect those medals.

"They are not jewelry, every one of them means something. When we get an aggravated case, where someone is taking credit for something they didn't do, they're literally stealing the act from someone who did."

By this time, the Tribune already had begun its own inquiry, which turned up information concerning prior instances from 1996 and 2000 when Kovick had been investigated for medal fraud. Flattery confirmed Kovick was investigated in 1996, but no proof of his possession of the medal existed, and he told agents he did not have one. The query was dropped, but almost was renewed in 2000 when information arose again that Kovick possessed a medal. At that time, Flattery said, Kovick's wife had just passed away, and Kovick himself was in poor health. With no evidence of his possession of the medal, the FBI did not proceed further.

The photograph that appeared on the front page of the Tribune would ensure that this investigation would be different. Flattery took the photograph and other results of his investigation to the Office of the U.S. Attorney in Detroit. Prosecutors there chose not to issue an arrest warrant for Kovick, but Flattery was cleared to confront Kovick and recover the medal.

A telephone call seeking comment from the U.S. Attorney's office Thursday was not returned.

Thursday, Flattery and Caseville Police Chief Jamie Learman knocked on Kovick's door and asked to see the Medal of Honor.

"I spoke with the gentleman and confronted him about the issue. I showed him the photograph, and explained it was illegal to wear a Medal of Honor you did not earn," Flattery said. "I asked for the contraband items, and he gave them to me. I could tell he was reluctant at first. Denial is usually the first reaction, and he was embarrassed. The main thing is, we got it, and he's not going to do it anymore."

Reynolds said Kovick's age could have played a role in the decision not to arrest him.

"There are a variety of factors that determine whether they go to jail on the day of contact," Reynolds said. "One factor in this one is we're dealing with an elderly man. That factor played into the decision not to arrest him. Our priority was to get the medal. We knew he was not a Medal of Honor recipient, and in (Thursday's) contact the Medal was recovered without incident."

Now that the FBI is in possession of the medal, a final report will be sent to the U.S. Attorney's office for a final decision on whether or not to charge Kovick with a crime.

"The decision is solely theirs," Reynolds said.

Kovick told the Tribune Friday he actually served in the United States Navy from October 1944 to February 1946, and from 1950 to 1953. He said the only medals he earned during that time were an Asiatic-Pacific Campaign Medal from World War II, and a United Nations Korean Medal from the Korean War.

Those two medals were awarded to any serviceman active in those theaters between certain dates.

Kovick would not confirm information obtained by the Tribune that he also possessed a bogus Navy Cross, Silver Star, Bronze Star and Purple Heart. He appeared to be wearing each of these medals in the Memorial Day picture, but said the Asiatic-Pacific Campaign Medal and the United Nations Korean Medal were the only medals he actually earned. Reynolds has confirmed agents did indeed seize "several other unearned medals he wasn't entitled to" while at Kovick's residence.

Both Kovick and Flattery said the FBI Thursday mainly was interested in the bogus Medal of Honor.

Kovick said he wore the unearned medal because his late wife was especially proud of what she thought was her husband's long and distinguished military service.

"We'd been married so many years, and she was always proud of me, so I embellished my military career to be more than it was," Kovick said.

Kovick said he has been "living a lie" for quite a while.

"I'm really sorry for misrepresenting myself, and I apologize to all survivors and veterans I may have hurt," Kovick said Friday. "I apologize to my family and all the veterans in the state of Michigan, and I ask most humbly that they forgive me."

Sterner said the first Medal of Honor Awards were presented to six men in 1863. Since then, only 3,461 have been awarded. It is the highest possible award a soldier can earn, given only for “valor above and beyond the call of duty.”

“So high is its significance, General George Patton, who never received one, said, ‘I’d sell my immortal soul for that medal,’” Sterner said. “President Harry Truman, a combat veteran of World War I, presented Medals of Honor to heroes of two wars, WWII and Korea. He usually remarked, as he hung the Medal of Honor around a soldier’s neck, ‘I would rather have this medal than be president.’”

There currently are only 122 living Medal of Honor recipients. Cottone said most of the medals, in fact, are awarded posthumously.

“There hasn’t been a Medal of Honor awarded to a living recipient since Vietnam,” Cottone said. “To be awarded that medal and to live to tell about it is a rare event. The requirements are so difficult. The act itself has to be above and beyond the call of duty. (It has to be an act) that if the person didn’t do the act, they couldn’t be criticized for not doing it. It has to be witnessed by two people, thoroughly documented and well-investigated.”

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