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KOB-TV interviews Kastenberg on the Stolen Valor Act

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Stolen Valor: An act punishable by law in New Mexico

ALBUQUERQUE, N.M. – Members of the military are some of the most respected people in the country.

By Ryan Laughlin

KOB-TV
December 5, 2018

In the search for answers in the wake of the shootings in Aurora, Colo., authorities have made one curious conclusion about the suspect, James Holmes. The FBI has made clear that Mr. Holmes has no ties to terrorism. This is flat wrong — he is a terrorist. And this label matters.

When someone is suspected of lying about their service, it riles people up and impacts those who have served.

A Facebook group called out a panhandler in Albuquerque who claimed he was a “Hungry Vet.”



KOB 4 reporter Ryan Laughlin confronted the man, in hopes of finding out the truth.

“We just want to know are you claiming to be veteran,” Laughlin said.

“My sign doesn’t say that,” the man said.

“Can you show us the sign,” Laughlin responded.

"No, I can't. I don't have to," the man replied.

After the confrontation, the man continued to claim he was a vet and never provided proof.

In another recent case, actor Todd Latourette said he lied about how he lost his arm to get a role on *Better Call Saul*.

"I was riding shotgun in a Humvee in Kandahar and we drove right over an IED and boom. That was it," Latourette said. "They trusted me that I was exactly who I said I was that I was a war veteran."

Latourette said he is bipolar and wasn't taking his medications 17-years-ago when he decided to cut off and cauterize his own arm.

He shared his story to come clean and apologize to veterans for lying.

Jack Fox, a veteran, who is the secretary of veterans services in New Mexico, said claiming to be a veteran is hurting the 160,000 registered veterans in the state.

"It could start at the lowest level, it could be someone simply asking for money, or a donation on the street and have a sign saying, 'I'm a veteran.' Well, the heartstrings of most American people are obviously, saying 'I'm a veteran,' there's a tendency to want to open your wallet and help them. Well, that's technically wrong."

It isn't difficult to pass for a veteran.

Uniforms and medals are sold online.

Fox said veterans and their families are a protected class of people that have earned certain benefits.

"Those that aren't willing to serve should not benefit financially by claiming to have served," Fox said.

It's not just a matter of ethics, according to UNM law professor and veteran Joshua Kastenber.

He said lying about military service isn't new.

"Ever since our country was founded, and probably back to our British and European predecessors, from time to time an individual running for office, or an individual trying to get a loan, or buy property or just try to get public attention would claim they were a veteran of this battle or that battle," he said.

However, he believes something changed after the Sept. 11 terrorist attacks. No longer were people going to war who were drafted.

"So, this is an all-volunteer force of people, who at some point in their life said, 'I want to serve democracy. I want to protect democracy,'" Fox asserted.

In 2005, the United States Congress passed the first Stolen Valor Act, making it illegal to lie about military service. However, the U.S. Supreme Court ruled it unconstitutional, saying it violated freedom of speech.

In 2013, a new Stolen Valor Act was passed.

"The Stolen Valor Act punishes very narrow conduct that's designed to obtain something of financial value," said Kastenberg.

New Mexico has its own Stolen Valor law. It went into effect on July 1, 2018.

Professor Kastenberg said using veteran status to get a job or falsely claiming to be a vet while panhandling is now punishable under the law.

"I think that's why we're so sensitive on stolen valor because you're cheapening the sacrifices that individuals have made," he said.

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