THE WASHINGTON RAMBLE

By Michael P. Smith
ARA Executive Director

As this column is being written, Washington is reeling over the second Fort Hood shooting. Again, our military members are the victims. The media is reporting that a soldier being treated for mental problems was the shooter. This is all too familiar given over 250,000 members of our military are trying to get treatment for injuries from Iraq and Afghanistan conflicts and suffer from PTSD-related illness. As we have reported a number of times, the health of our military and veterans has been compromised. If the Veterans Administration was “on the ball” instead of being delinquent in treating our military members...we may have prevented the recent shooting at Fort Hood.

Let’s put things into a “Washington perspective”...namely...total government disarray continues! Today your “do-nothing Washington” is immersed in a possible conflict with Russia. We continue to face a broken unaffordable “health care” law, debate on immigration/ amnesty...the debacle at the National Security Agency (NSA), an incompetent Attorney General, and a an “out-of-control” Internal Revenue Service (IRS) - Americans simply do not trust their government! No trust by the electorate is a fair assessment of government given no leadership by any elected lawmaker or chief executive.

Just recently, the House Intelligence Committee grilled former CIA Deputy Director, Michael Morell on the Benghazi debacle. Bottom line...alot of blame and rhetoric to pass around, but no answers. Again, no explanations as to “why” help was not given to US Ambassador Chris Stevens in Libya...“why” four Americans needlessly died. Americans should not “trust” government for this mess and other disasters.

Many of the members of the National Military Veterans Alliance (NMVA) were very disappointed in the DoD budget and the severe cuts in our military components...In speaking with a number of Representatives the “Former Spouse Protection Act (USFSPA)” still concerns Members of Congress. Weekly we assess this issue with various Congressional Members on both sides of the “aisle.” Regardless of party, most agree that the USFSPA is unfair and should be repealed. ARA’s on-going activity to “educate” new and senior Members of Congress continues to be effective. However, given the upcoming “mid-term election” our ARA goal is mostly on the Congressional “back burner.”

In the months ahead, we have to stay keenly focused. We all have to help veterans find jobs. As a member of NMVA, ARA plays

The Corry Report

By Charles E. Corry, Ph.D.
F.G.S.A.
President, Equal Justice Foundation

Billions have now been spent establishing shelters for battered women. Such shelters can presently be found in virtually all metropolitan areas. However, there are increasing questions about their effectiveness both in terms of cost, results, and credibility.

We think few begrudge the money spent to provide a safe haven for women and children in distress. Any society that is to survive must make the safety of pregnant women and children one of its first priorities.

Today we are met with a barrage of propaganda indicating that domestic violence is an ever increasing problem. And the list of abuses seems to grow exponentially until even man is

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Our nation’s divorce industry has enjoyed working its self interests on our nation’s divorcing uniformed service personnel for nearly two generations. Frustrated by tragic military personnel suicides, the Pentagon quickly replaced them with a military personnel sexual assaults crisis.

Our focus is on reducing this tragic casualty count by 40%: With single personnel accounting for 30% of the current total, we are calling on Congress to direct the Pentagon to extend participation in the US Army’s Pre-marital Interpersonal Choices and Knowledge (PICK) briefings to all in-processing military personnel, regardless of marital status.

It has never been explained why our commander in chief failed to include USFSPA awareness training in his mandated transition assistance program. We are calling for this: The point being to ensure that all in-processing personnel are aware of the consequences of a USFSPA-style divorce action in the state where they are reporting for duty.

The Pentagon has never been called to account for the fact that military NCOs account for 70% of the DFAS enforced USFSPA court ordered military retired pay awards. We are doing that through the National Military Veterans Alliance.

Last but certainly not least, Congress has never been called to remedy the lack of equal justice in 10 USC 1408(h) provisions. Dependent military spouses can abuse their military personnel sponsors with no fear of criminal consequences; are they actually above the law? Pulling their DD 1173 Privilege cards, if convicted of this crime, seems appropriate. Spouses whose conduct and behavior is inappropriate in a foreign country have been known to be sent home.

Why has it taking over three decades, and the deafening silent testimony of so many military suicide personnel casualties, to call attention to this question? Is restructuring the Pentagon’s military retirement system the ultimate USFSPA reform plan? Will the 113th Congress authorize the Pentagon to “freeze” payments to their current first responder defined benefit plan, for all personnel performing creditable service, and enroll them in the new proposed defined contribution plan? Kniss v Kniss will become the law of the land for these personnel, at that point in time.

A final point for us to ponder is the fact that by funding this proposed defined contribution retirement plan for personnel in its charge while they are still performing, creditable service, the Pentagon fulfills its end of the bargain, before these seasoned warriors are invited to continue serving, indefinitely, at their service secretary’s will and pleasure.

We are concerned about the coveted first responder provisions this proposed retirement plan seems to ignore? Ask reserve and guard personnel how it works for them. Will retention pay no longer remain the same as retired pay, under these new circumstances? It’s all about equal justice under the law.

I know we’ve done this before, but is there any reason why we should leave expressing our USFSPA reform sentiments and concerns to our former spouse advocates? That’s a no-brainer.

At your service,
Dennis Egge; President

Letters to the Editor

I am researching a story on heterosexual men who experience domestic violence. This is clearly an issue often overlooked by the media but one we know can have equally devastating consequences for relationships and families. Generally speaking I think it’s fair to say that many people don’t even realize battered men exist which is why we hope an in-depth report can shed light on this misunderstood experience. Ultimately we are looking for a few brave individuals willing to come forward and discuss their experience. I am reaching out to you in the hopes that your expertise in this area might lead us to programs dealing with battered men and individuals willing to open up.

Many thanks, Sean Dooley; Producer, ABC news 20/2047, West 66th Street, 12th floor, New York, NY 10023

Telephone: 212-456-6050; Email: Sean.Dooley@abc.com

My husband served 22 years and lost 100% of his MRP to his ex-spouse. He is receiving nothing for dedicating his life and career to defending his country. It’s a travesty what’s happening to people. We just have to start a small snowball, rolling downhill… and get the word out to those "bleeding heart, left-leaning" heavy hitters! I agree that those are the people who are most likely to help! I too wrote to our congressman (John Dingell, the longest serving member of Congress in history - since 1955, so he was there when the USFSPA was fraudulently and illegally passed!) about the supposed "50% limitation" in the USFSPA and asked for help for my husband. He replied that the "50%" was never meant to be a limitation on how much an ex-spouse can collect, only on how much can be sent, directly. No, he didn't care, either.

Continued on page 3
The Corry Report
Continued from page 1

a "batterer" and every woman a "victim." Common sense has disappeared in mass hysteria and ever-broadening definitions in the law of what constitutes domestic violence and abuse.

When the source of such hysteria is sought, one primary origin keeps showing up: And underlying their utterances is an ever increasing appetite for public funding by which they make their living.

For years, decades actually, these publicly funded programs have fought tooth and nail to be virtually exempt from Federal oversight, that is to have their programs monitored or audited by the government. We have long been concerned about the veil of secrecy under which these shelters operate and the likelihood of mismeasurement so common with taxpayer-funded operations that are hidden from public review. While we support the need for shelters, we do not condone the practices summarized below. And the Equal Justice Foundation has documented many more such abuses of public trust at http://www.ejfi.org/DV/dv-61.htm.

While many, if not most, shelters serve humanity with compassion and justice, it is also known that many don’t as articulated below.

Letters
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My husband graduated from West Point two years ago, and I am basically living below an acceptable standard. I was never raised like this. My poor grandmother has been sending me money for the past year just so I can have the things I am accustomed to. I was told that Army wives are paid a monthly stipend just for being a wife at a minimum of $800. The amount is supposed to increase based on rank. Mine should at least be $1,000. Could you please let me know who to talk to so I can discuss this issue? I have not seen any of this money, and it’s been two years now. I’m used to nice expensive things, and my husband promised my father that he would take care of me just like he did when I was living at home. I’m so jealous of my little sisters because they are still living at home with my parents. When I go home to visit, the first thing my mother does is take me to the hairdresser because I’m a mess and I can’t afford to get it done. I feel so sad and angry every day. I’m mad at my husband for choosing to be in the Army, and I’m mad that I am living in such an awful place. I don’t think this will get better for me. I’m so homesick, and the other wives act like this is the best life they have ever had. They are not like me. We are not the same, so I don’t have any friends. Everyone keeps pushing the Family Readiness Group -- the FRG this and the FRG that, but the women are like Stepford Wives who live, eat and breathe the Army. They are ridiculous!

In pre-USFSPA days only community property states like California treated military retired pay/retainer as property. It didn’t matter if the military member was a resident of California; it didn’t matter of he/she was there on military orders; it only mattered that the divorce took place in California. Most community property states were southwest states that were previously part of Mexico. Thank you, Guadalupe Hidalgo. Actually, community property laws go back to the Spanish and Roman empires. It’s time to start leaning on the "bleeding heart, left-leaning" heavy hitters in our society, who might really care about what happens to the people who fought to protect their "constitutional rights," and especially the wounded warriors whose rights are still being violated. We should start leaning on ex-POTUSs like Clinton, Carter; and social personalities like Jon Stewart, and others. And you are right about letting the future military retirees know what they stand to lose if they make the military a career.

I guess what I was trying to say was if my current wife becomes a widow, and then remarries her SBP would stop (current!!!) why?

If my ex remarries her USFSPA

Where do your elected State and Federal Government representatives stand on the USFSPA reform issue?

FIND THEM ALL AT
HTTP://WWW.USA.GOV/CONTACT/ELECTED.SHTML

share your USFSPA reform sentiments with them and share their responses with us!
Most soldiers are still unaware of the pitfalls of the USFSPA. Just 2 days ago I heard an NCO say to another you should have ended it before 10 years. Of course I informed him the 10 year rule isn't what you think.

Though I do hear the stories of soldiers losing a portion of their retirement in divorce, I am also hearing more and more about military members faring better in divorce. The educational opportunities and employment preferences have made it much easier to achieve the two income family needed for a family to survive. Community property laws divide all property and the spouse wants to hold onto their own incomes and the savings they have built on. I am also seeing more cases of Judges listening to the merit of the case and even soldiers winning custody of children.

By no means are the normal cases that are common to the USFSPA disappearing any time soon but I am seeing cases where things have been treated fairly in court.

Michael Blain ARA Director

Letters

Continued from page 3

payment does not stop. Why NOT: That is the perplexing thing, it is as though an ex has more standing than a current wife turned widow.

Thank you for your interest in Divorce Corp! The response to the film has been overwhelming and positive. We would love to be able to assist you with organizing a special screening. The minimum licensing fee for a one-time screening of Divorce Corp is $1100. If you are not interesting in hosting a screening, but have not yet seen the film because it was not in your area, Divorce Corp will begin selling DVD’s and Blu-ray’s on their website in February, as well as become available for download on iTunes. Thank you for your interest and support!

Best, Alison Kane; Candor Entertainment, 729 N. Fairfax Ave, Los Angeles, CA 90046-7205 admin@candortv.com; ph: 323-782-0962

Title 42 is normally not used -Title 10 is, if anything, but the issue is not so much a "trump" so much as a "gap." What the family law bar has argued to the judges is that the judges are not violating 38 USC 5301 as long as the order does not specifically say that disability payments are to be used to make payments to a former spouse - they just establish a general obligation and the veteran makes the decision as to what funds are to be used. However, if the veteran is 100% disabled and has no other source of income, it is hard to see how this logic works.

I'm a Chapter 61 disabled retiree (PDRL with only 33 months active service, i.e. not subject to recall in a national emergency, i.e. not on retainer like 20+ year retirees) my Navy disability retired pay is calculated as a percentage (50%) disability and not years of service as noted, defined and allowed in USFSPA definitions, i.e. it is defined to be $0.00 disposable retired pay which is Title 10 Section 1408's way of legally quantifying it as 'not remuneration for employment'. Therefore, that legally means I waive all, not a portion, of my military disability retired pay (not remuneration for employment) which, I stress here, is legally not the same as disposable retired pay which, I stress here, is not remuneration for employment. Title 10 is, if anything, but the issue is not so much a "trump" so much as a "gap." What the family law bar has argued to the judges is that the judges are not violating 38 USC 5301 as long as the order does not specifically say that disability payments are to be used to make payments to a former spouse - they just establish a general obligation and the veteran makes the decision as to what funds are to be used. However, if the veteran is 100% disabled and has no other source of income, it is hard to see how this logic works.

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The National Military and Veterans Alliance respectfully requests a hearing of the Military Personnel Subcommittee to examine the numerous problematic issues surrounding the Uniformed Services Former Spouse Protection Act (USFSPA) and the detrimental impact it is having on those who currently serve and have served their country. Since passage in 1982, State (jurisdictions) have not applied USFSPA (provisions consistently) in military divorce actions.

The (97th Congress passed) USFSPA (codified at 10 U.S.C. § 1408), in direct response to the U.S. Supreme Court’s McCarty v. McCarty, 453 U.S. 210 (1981) (decision), that military retirement pay (MRP) is the sole property of the service member. The USFSPA law allows States to consider MRP to be property for the purpose of division of marital property in a divorce. (All but a few States and all but one US Territory have adopted this principle as a federal mandate that supersedes their own divorce statutes with Congress tacit blessing.) Serious and substantial problems have arisen in the implementation of USFSPA (provisions) by the States, resulting in severe financial crises for service personnel including retired disabled service members and female veterans with dependents.

The National Military and Veterans Alliance urges the Subcommittee to identify address and correct Uniformed Services Former Spouse Protection Act (USFSPA) inequities such as award of imputed income of active duty members; continued payments after former spouse remarry; and, provision of the “windfall provision” that bases payment to a former spouse on the member’s military pay at the time of retirement, not that earned at the time divorce. (Seasoned senior NCOs account for a clear majority of military divorce actions. When they choose to sacrifice their lives, rather than submit to court ordered financial bondage, they leave dependents behind. With no less than 70% of military personnel suicide casualties coming from the ranks of personnel who are not single, linking these tragedies to the role USFSPA provisions play in their lives is certainly within the realm of reason.)

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Your voice on Capitol Hill
Michael P. Smith; Executive Director
AMERICAN RETIREES ASSOCIATION
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Signature: ____________________________ Date ____________

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### 1 April 2014

**Statistical Data Concerning the Impact of the Uniformed Services Former Spouses’ Protection Act on Retired Members of the Uniformed Services: U.S. Air Force; U.S. Army; U.S. Navy; U.S. Marine Corps; U.S. Coast Guard; Commissioned Corps of NOAA; Commissioned Corps of PHS**

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**Fixed Dollar Amount**

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<th>F</th>
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<td>31% to 40%</td>
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**Length of time court ordered division of pay in effect**

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Note: 1. Data provided by DFAS Cleveland OH; USCG PPC Topeka KS
2. Report compiled by James M. Solberg - solly@att.net
3. Data for "length of time" over 16 years adjusted due to DFAS Program limitations.

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