

TESTIMONY OF LARRY D. WHITE

25 February 2026

Before the New Hampshire House, Committee on Children and Family Law

Good morning. Madam Chairman, ladies and gentlemen, thank you for the opportunity to speak to you this morning. My name is Larry White I hold the rank of Major in the Regular Air Forces and I draw retainer/retirement pay as I can be involuntarily recalled to active duty without warning. After graduating from the Air Force Academy in 1980, I served 21 1/2 years on active duty as an F-4G Electronic Warfare Officer, a highly selective, elite mission that I earned by graduating at the top of all my training classes. After retiring in the summer of 2001, I immediately entered law school at Roger Williams University in Rhode Island as an honors program student, graduating in 2004 and passing the Rhode Island bar exam on the first try. After that I then moved to Turkey where I worked as an international commercial lawyer under Turkish rules, mainly in transactional law, but my academic interest has always been in the USFSPA as I am a victim of this law.

I have authored a peer-reviewed law review article of USFSPA, as well as five *amici* briefs for the U.S. Supreme Court and the Arizona Court of Appeals. In their decision on the case, the Arizona court cited my brief as the most rational analysis and adopted in full. I have a forthcoming book on the application of USFSPA in state courts. I am also the president of a national organization dedicated to repeal of the USFSPA, with victims in every state

I have never lived in NH but NH courts exercised jurisdiction over my, contrary to my objection (as is my right under federal law), by the use of a falsified document because my ex-wife was from New Hampshire and filed for divorce here. The divorce was granted in 2003 with 49% of my retainer/retirement pay going to my ex-wife, amounting to over \$400,000 now - since my statement here last year, she has been given about \$24,000 more – enough to buy a new car. She had not worked outside the home while we were married, except for the first two years and the last year. This was her choice because she wanted to be a stay-at-home mom and travel extensively, particularly while I was assigned to Germany – she loved music and played with a local German band that she is still connected to. When she later applied for a teaching job, this experience in Germany was cited by her boss as the deciding factor in her hiring. She stayed in the U.S. while I was assigned to Turkey because she was pursuing a Master's degree she wanted so I agreed to go to Turkey alone in order to support her desire, just as I supported her time away from me to allow her to finish her Bachelor's degree in education after flunking out of a business

program at Plymouth State University. These times apart were not taken into account and represent a misapplication or shortfall in the Hodgkins formula.

I urge this committee to recommend passage of HB 1263 to reform USFSPA application in NH – first, USFSPA is not needed, second, it assumes damages that are not the norm, third, it discriminates against the military in violation of the eight and fourteenth Amendments to the U.S. Constitution and fourth, it is anti-marriage.. The pattern of damages that most ex-spouses seek are speculative in most cases but for those who can show damages, NH alimony law can deal with those – there has never been a legal showing that alimony provisions cannot rectify these. Second no court order that I have heard of or seen has required an ex-spouse to prove damages – courts apply a cookie-cutter approach to deprive a member of the uniformed service his/her rightful pay. Third, alimony is generally disfavored now, unlike in 1982 when USFPA was hastily enacted in response to the U.S. Supreme Court decision in McCarty. Our research shows that military retirees pay as much as ten times more than civilian divorcees due to the lack of protections that HB 1263 would provide. It is surprising how many of these divorces are filed right after the servicemember applies for retirement. Divorce attorneys urge spouses to stay in the marriage until the very last second to maximize the cashout at a time when the servicemember is in transition from military life to civilian life. The full consequences of USFSPA are reaching astronomical proportions and must be curtailed.

In the passage of USFSPA Congress was clearly expecting the states to come to equitable solutions. Since retired members of the armed forces have to be available for recall and ex-spouses do not, it is clearly inequitable from the start. To teach at Turkish state university, I was required to have permission from the Air Force so that I could continue to be eligible for retainer pay.

Much of the testimony opposing HB 1263 is based on perceived values of the 1950s that do not exist in today's military. The Air Force in particular has made it clear that a spouse is not required to perform any duties to support the service member – and the servicemember cannot be rated on the spouse's work. The moves are not unique to the military world. The servicemember does not have a choice but the spouse generally does – the spouse can choose to not accompany the servicemember he/she so chooses. It is disingenuous for a spouse to agree to a move but then later claim he/she has been harmed by this and deserves unlimited compensation.

Congress expects the states to do the right things – let NH lead the way on this.

I urge this committee to protect servicemembers from unlimited and inequitable division of military retirement/retainer pay. Thank you for the opportunity to address this to you.