

United States Senate

WASHINGTON, DC 20510

June, 26 2013

The Honorable Charles T. Hagel
Secretary
Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Hagel:

Today's Supreme Court decision, *U.S. v. Windsor*, striking down Sec. 3 of DOMA, is a historic step in America's long journey towards equality of opportunity. With today's ruling, all married couples will be entitled to equal treatment under federal law.

The text of Sec. 3 of DOMA reads as follows: "...the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." There are some who contend that federal statutes that discriminate against same-sex couples, but that do not use the words "marriage" or "spouse," would not be considered unconstitutional under the *Windsor* decision. I believe such a constricted interpretation is illogical and would only lead to further litigation and the delaying of federal benefits earned by all of the brave men and women who serve in our military.

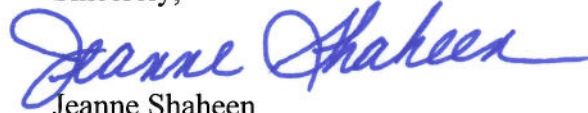
As you know, in February I introduced legislation known as The Charlie Morgan Act, which would make military and veterans benefits available to same-sex spouses, widows, and widowers. This legislation was inspired by N.H. National Guard Chief Warrant Officer Charlie Morgan who passed away this winter after a lengthy battle with breast cancer. Charlie left behind her wife, Karen, who will not be eligible for survivor benefits because of DOMA. After Charlie's diagnosis in 2008, she and her wife spoke repeatedly about how these practices against same-sex couples would devastate their family if Charlie died. Charlie served on the front lines for our country, but because of her sexual orientation her family has wrongfully been denied many of the same benefits given to those who stood beside her.

It would be my hope that I no longer need to pursue the passage of The Charlie Morgan Act because it is no longer necessary.

To that end I write today to urge you as quickly as possible to state that Department of Defense embraces the spirit and law of today's *Windsor* decision and that any and all Department of Defense policies that discriminate against loving, same-sex couples will no longer be enforced. I know from our discussions that you support providing military benefits to all married couples, and I look forward to your response.

If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne Shaheen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeanne Shaheen
United States Senator