



Texas House of Representatives

September 9, 2013

Major General John F. Nichols
Adjutant General of Texas
National Guard of the United States

Dear General Nichols,

On September 3 the Department of Defense began including the same-gender spouses of American military personnel in spousal and family benefits offered through the Defense Enrollment Eligibility Reporting System (DEERS). This action comes in response to the U.S. Supreme Court's recent decision to overturn the federal Defense of Marriage Act on the grounds that the act wrote inequality into federal law and violated the Fifth Amendment's protection of equal liberty.

According to press reports, you have instructed facilities operated by Texas Military Forces to ignore the instruction of the Department of Defense and refuse to enroll the families of the men and women who risk their lives to serve this country.

You stated, via memo, that to do so would conflict with the Texas Constitution's and Family Code's prohibition against the freedom to marry. In relying on your own interpretation of the law, and ignoring both federal law and the directions of the Department of Defense, Texas would join only Mississippi in this position. Seventeen other states with laws similar to Texas' – including Alabama, Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, North Carolina, North Dakota, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Utah and Wisconsin – have complied with the Department of Defense.

You have directed members of the Texas National Guard who wish to enroll their same-gender spouses in the DEERS program to travel to one of the federally operated military installations in Texas, rather than allow them to simply enroll their families on the same campuses where they serve our state and country.

Clearly, this is a matter of legal interpretation, and the vast majority of your counterparts around the country operating under similar state laws have arrived at one that allows these spouses their federally guaranteed benefits.

We call on you to respect Texas' military families, to reconsider your position, and to follow the lead of virtually every other Adjutant General for the National Guard of the United States by, without further delay, enrolling all eligible spouses of National Guard service members at facilities operated by Texas Military Forces. It is our understanding that you have sought legal guidance on this matter from the Texas Attorney General. Since it could take several months to receive a response, we ask that you conduct enrollment of eligible spouses during this review process.

Also, if you have been advised by the office of the Governor not to offer these benefits to same-gender spouses, please send our offices a copy of that communication.

Sincerely yours,



Rep. Lon Burnam



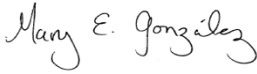
Rep. Garnet Coleman



Rep. Joe Farias



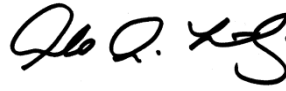
Rep. Jessica Farrar



Rep. Mary E. González



Rep. Ana Hernandez
Luna



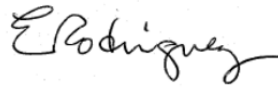
Rep. Armando "Mando"
Martinez



Rep. Ruth
Jones McClendon



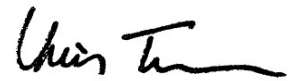
Rep. Poncho Nevárez



Rep. Eddie Rodriguez



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Thompson



Rep. Chris Turner



Rep. Sylvester Turner



Rep. Mike Villarreal



Rep. Armando Walle



Rep. Gene Wu