

July 17, 1996

**MEMORANDUM FOR THE PRESIDENT**

FROM: Richard Socarides -- 456-6247

RE: The Lesbian and Gay Communities and  
the Same-Gender Marriage Debate

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As I am sure you are aware, the issue of gay marriage continues to be the primary concern of the moment for gay and lesbian Americans. The Boston Globe recently reported that the issue "has muted discussion of other issues central to the gay rights movement, from eliminating job discrimination to expanding resources to combat AIDS."

Naturally, the debate on this issue has escalated as a result of the House passage of the so-called Defense of Marriage Act last Friday by a vote of 342 to 67. The debate in the House was emotional, combative and spirited.

It is unclear when the Senate will act. Senator Lott said last week that they would not be taking up the bill until after the August recess. This week, however, there were rumors that the bill may be called up as early as next week. When the bill is called up, Senator Kennedy plans to offer the Employment Non-Discrimination Act as an amendment, in the hopes that an amended bill would die in conference. According to the Human Rights Campaign, there are 34 Senators committed to voting for the ENDA amendment and another seven leaning yes.

After the House vote Mike McCurry, while reaffirming your intention to sign the bill if it reached your desk in its present form, called the measure unnecessary, divisive and a classic case of "gay baiting." While these remarks were generally well received in the gay community, others felt they reflected a desire on our part to "have it both ways" -- criticizing the bill yet still expressing our support for it. And in some ways the damage was already done in mid-May when we said that you were against same-gender marriage because you wanted to take steps "to strengthen the American Family." Many gay and lesbian Americans took this to mean that you believed they were not part of the American family. Others felt that given your record on civil rights, you could not really be against equal marriage rights for gays and were merely taking a politically expedient position.

The President  
re: same gender marriage  
July 17, 1996  
-- page 2 --

Recomendation:

I would like to recommend that when asked about this issue we remind people that in 1992 you made your position known, and that now, if a bill consistent with your previously stated position is passed by Congress, you would have no alternative but to sign it. This position is not inconsistent with a belief that the timing of the legislation, just months before the election and years before any court is even close to a final ruling on the marriage issue, is intended to divide Americans. We may then talk about your accomplishments -- from appointments to your endorsement of the Employment Non-Discrimination Act to the removal of barriers in the granting of security clearances.