

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

9-21-96

September 20, 1996

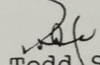
APPROVE!

MR. PRESIDENT:

Attached is the Defense of Marriage Act, ^{SEP 21 1996}
H.R. 3396. Mike McCurry has already
released a statement from you (copy
attached) about the bill and told
reporters that you would be signing it
when you get back to the White House.
**Consequently, you should sign this
tonight.**

The bill was prompted by concern that if,
as appears possible, Hawaii rules that
same-sex marriages are legal, other States
would have to recognize marriages
performed there under the Full Faith and
Credit Clause. The bill includes two main
provisions: (i) it provides that no State
has to give legal effect to the decision
of another State to recognize same-sex
marriages; and (ii) it defines "marriage"
under Federal law to be only a union
between a man and a woman and "spouse" be
refer only to a person of the opposite
sex.

The bill passed 342-67 in the House and
85-14 in the Senate. It has received the
necessary clearances.


Todd Stern

Signed

Approximately

12:50 A m on Sat.

9/21/96

SeWagner

PHOTOCOPY
WJC HANDWRITING

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9-20 ACTION/CONCURRENCE/COMMENT DUE BY: 9-20 8 pm

SUBJECT: Defense of Marriage Act - ~~Statement~~ Statement

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input type="checkbox"/>
PANETTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
ICKES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	QUINN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LIEBERMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RASCO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RAINES	<input type="checkbox"/>	<input type="checkbox"/>	REED	<input type="checkbox"/>	<input type="checkbox"/>
BAER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CURRY	<input type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input type="checkbox"/>	<input type="checkbox"/>	STIGLITZ	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	STREETT	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	HAWLEY	<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>ISAGAN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	<u>TOU</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>	<u>Foley</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>Waldman</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<u>J. Mura</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<u>CLERK</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Comments to this office by 8 pm

RESPONSE:

DRAFT: 9-20-96

STATEMENT BY THE PRESIDENT

Throughout my life I have strenuously opposed discrimination of any kind, including discrimination against gay and lesbian Americans and today, as I sign into law H.R. ____, an Act relating to same-gender marriage, it is important to note what this legislation does and does not do.

I have long opposed governmental recognition of same-gender marriages and this legislation is consistent with that position. The Act confirms the right of each state to determine its own policy with respect to same gender marriage and clarifies for purposes of federal law the operative meaning of the terms "marriage" and "spouse".

This legislation does not reach beyond those two provisions. It has no effect on any current federal, state or local anti-discrimination law and does not constrain the right of Congress or any state or locality to enact anti-discrimination laws. I therefore would take this opportunity to urge Congress to pass the Employment Non-Discrimination Act, an act which would extend employment discrimination protections to gays and lesbians in the workplace. This year the Senate considered this legislation contemporaneously with the Act I sign today and failed to pass it by a single vote. I hope that in its next Session Congress will pass it expeditiously.

I also want to make clear to all that the enactment of this legislation should not, despite the fierce and at times divisive rhetoric surrounding it, be understood to provide an excuse for discrimination, violence or intimidation against any person on the basis of sexual orientation. Discrimination, violence and intimidation for that reason, as well as others, violate the principle of equal protection under the law and have no place in American society.

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE: HR 3396 - Defense of Marriage Act (DOMA)

TYPE DOCUMENT:

PROCLAMATION LETTER(S)
EXECUTIVE ORDER MESSAGE TO THE CONGRESS/SENATE
MEMORANDUM STATEMENT BY THE PRESIDENT
DECISION MEMORANDUM SIGNING STATEMENT
DETERMINATION (numbered) TREATY/CONVENTION/AGREEMENT, etc.
OTHER: _____

RECEIVED: (Advance: 9/20/96 Time: 4:35 a.m. (p.m.)
In final: 1/196 Time: a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: 9/20/96 Time: 4:40 a.m. (p.m.)
In final: 1/196 Time: a.m./p.m.

de/hold

TO TODD STERN'S OFFICE:

(For staffing: 1/196 Time: a.m./p.m.
In final: 1/196 Time: a.m./p.m.

*INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE:

Date: 1/196 Time: a.m./p.m.
POSTED: 1/196 Time: a.m./p.m.

NOTIFICATIONS:

(Person/time) NSC, when appropriate -- Desk Officer;
W.H. Situation Room -- x6-9425.

(Person/time) *NSC documents -- call NSC Ex.Sec. for
OK for W.H. Press Releases -- x6-9461.

(Person/time) (Other)

(Person/time) (Other)

(Person/time) (Other)

OTHER INFORMATION:

*9/19/96: draft provided by Richard Saccarides, takes etc. to Todd for
stating - et*

*Not a signing statement, per Todd
Stem.*

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~~The White House~~

One Hundred Fourth Congress
of the
United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Wednesday,
the third day of January, one thousand nine hundred and ninety-six*

An Act

To define and protect the institution of marriage.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense of Marriage Act".

SEC. 2. POWERS RESERVED TO THE STATES.

(a) **IN GENERAL.**—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

"§ 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1738C. Certain acts, records, and proceedings and the effect thereof."

SEC. 3. DEFINITION OF MARRIAGE.

(a) **IN GENERAL.**—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, 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."

H. R. 3396—2

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'."

Newt Gingrich
Speaker of the House of Representatives.

Strom Thurmond

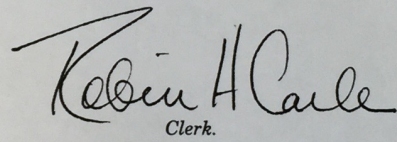
~~Vice President of the United States and~~
President of the Senate *Pro Tempore.*

APPROVED

SEP 21 1996

William J. Clinton

I certify that this Act originated in the House of Representatives.


Clerk.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 20, 1996

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