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Homosexual/Same Sex Marriage

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THE WHITE HOUSE
WASHINGTON

September 3, 1996

MEMORANDUM FOR LEON E. PANETTA

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ALEXIS HERMAN
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RON KLAIN
DAVID STRAUSS
LORRAINE VOLES**

FROM: George Stephanopoulos
Richard Socarides

RE: SAME-SEX MARRIAGE TALKING POINTS

The same-sex marriage bill is scheduled for Senate floor debate on Thursday. The Administration supports efforts by Senators Kennedy, Lieberman and Jeffords to amend the marriage bill to include the provisions of the Employment Non-Discrimination Act.

Slightly revised and re-formatted talking points for use in connection with these topics are attached.

SAME-SEX MARRIAGE

-- The President strongly opposes discrimination against any group of Americans, including gays and lesbians, and supports legislation to outlaw such discrimination in the workplace.

-- In 1992, the President stated his opposition to same-sex marriage and recently, as the issue was raised by some in Congress, has said that if a bill consistent with his previously stated position reached his desk, he would sign it.

-- The President also believes that raising this issue now is divisive and unnecessary, and is calculated only to score political points at the expense of this community. The President believes that it is an attempt to divert the American people from the urgent need to confront our challenges together.

-- [If asked how the President can both oppose discrimination and support DOMA: this bill makes it clear that states may decide for themselves whether or not to recognize same sex unions, and so is consistent with his position on same sex marriage. The President strongly supports efforts to ensure that all Americans can find and keep jobs based on their ability and the quality of their work.]

EMPLOYMENT NON-DISCRIMINATION ACT

-- On October 19, 1995 the President endorsed the Employment Non-Discrimination Act.

-- This legislation would ensure that Americans, regardless of their sexual orientation, can find and keep their jobs based on their ability and the quality of their work.

-- The Act is careful to apply some exemptions in certain cases, such as small businesses, the Armed Forces, and religious organizations, including schools and other educational institutions. The bill also specifically prohibits preferential treatment on the basis of sexual orientation, including quotas.

-- Thus the President supports the efforts of Senators Kennedy, Lieberman, Jeffords and others to amend the so-called Defense of Marriage Act to include the provisions of the Employment Non-Discrimination Act and the Administration is working actively for passage of the Amendment.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
LEGISLATIVE AFFAIRS

PHONE: 395-4790 / FAX: 395-3729

TO: George Stephanopoulos / Laura Capps

DATE: 9/6/96

FROM:

____ CHUCK KIEFFER

____ CHUCK KONIGSBERG

____ LISA KOUNTOUPES

✓ ____ ALICE SHUFFIELD

____ KATE DONOVAN

____ NANCY BRANDEL

comments:

A draft SAP on the Employment
Non-discrimination Act follows.
The Senate is debating the bill now, and
will vote at 2:15 on Tuesday.

We hope to send the SAP up by 2:00 but want
to be sure you are aware and are ok with it.

THANKS!

FAX #: 6-6703

PAGES: 3

PHONE NUMBER: _____

(includes cover page)

DRAFT -- NOT FOR RELEASE

September 6, 1996
(Senate)

S. 2056 - Employment Non-discrimination Act of 1996
(Kennedy (D) MA and 2 cosponsors)

The Administration supports S. 2056 for the reasons explained in the attached October 19, 1995 letter from the President.

THE WHITE HOUSE

WASHINGTON

October 19, 1995

The Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20510

Dear Ted:

I am writing in regard to the Employment Non-Discrimination Act, which you and Senator Jeffords have reintroduced in the current session of Congress.

As you know, discrimination in employment on the basis of sexual orientation is currently legal in 41 states. Men and women in those states may be fired from their jobs solely because of their sexual orientation, even when it has no bearing on their job performance. Those who face this kind of job discrimination have no legal recourse, in either our state or federal courts. This is wrong.

Individuals should not be denied a job on the basis of something that has no relationship to their ability to perform their work. Sadly, as the Labor and Human Resources Committee documented last year, this kind of job discrimination is not rare. Cases of job discrimination on the basis of sexual orientation are seen in every area of our country.

The Employment Non-Discrimination Act, however, is careful to apply some exemptions in certain areas. I understand that your bill provides an exemption for small businesses, the Armed Forces, and religious organizations, including schools and other educational institutions that are substantially controlled or supported by religious organizations. This provision, which I believe is essential, respects the deeply held religious beliefs of many Americans.

Moreover, your bill specifically prohibits preferential treatment on the basis of sexual orientation, including quotas. It also does not require employers to provide special benefits.

The bill, therefore, appears to answer all the legitimate objections previously raised against it, while ensuring that Americans, regardless of their sexual orientation, can find and keep their jobs based on their ability and the quality of their work. The Employment Non-Discrimination Act is designed to protect the rights of all Americans to participate in the job market without fear of unfair discrimination. I support it.

Sincerely,

