

# FOIA MARKER

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**Subgroup/Office of Origin:** Clerk's Office

**Series/Staff Member:**

**Subseries:**

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**OA/ID Number:** 15575

**FolderID:**

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**Folder Title:**  
September 21, 1996 [Defense of Marriage Act]

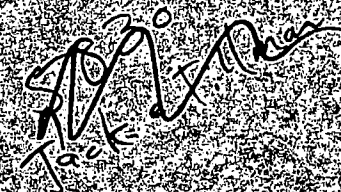
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Stack:	Row:	Section:	Shelf:	Position:
S	41	1	9	3

SEP 21 1996

SEP 21 1996

CLINTON LIBRARY PHOTOCOPY



Handwritten signature and date: "9/21/96" and "T. O. K."

THE WHITE HOUSE  
WASHINGTON

THE PRESIDENT HAS SEEN

9-21-96

September 20, 1996

MR. PRESIDENT:

**APPROVE!**

Attached is the Defense of Marriage Act, <sup>SEP. 21. 1996</sup>  
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 ~~8~~ 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>SAGAN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	<u>IOIU</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.

# WHITE HOUSE STAFFING MEMORANDUM

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

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

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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>Waltman</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"/>

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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: 1/96 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: 1/96 Time: a.m./p.m. *do hold*

TO TODD STERN'S OFFICE:

(For staffing: 1/96 Time: a.m./p.m.  
In final: 1/96 Time: a.m./p.m.

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

Date: 1/96 Time: a.m./p.m.  
POSTED: 1/96 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)

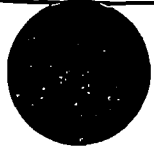
(Other)

OTHER INFORMATION:

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

*Not a signing statement, per Todd  
Stern.*

# WHITE HOUSE STAFFING MEMORANDUM



DATE: 9-20-88 ACTION/CONCURRENCE/COMMENT DUE BY: 9-20-88

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"/>
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LIEBERMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RASCO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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"/>	STRETT	<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"/>	ISAGAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	IOIU	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>	Foley	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	Waltman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			J. Mura	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			CLERK →	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REMARKS: Comments to this office by 8 pm

RESPONSE:

DRAFT: 9-20-96

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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". ✓

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~~The White House~~

WHITE HOUSE STAFFING MEMORANDUM

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

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"/>
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LIEBERMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RASCO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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CURRY	<input type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>Waldman</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<u>J. M. ...</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<u>CLERK</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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One Hundred Fourth Congress  
of the  
United States of America

AT THE SECOND SESSION

*Begun 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 Dingell*  
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*

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

  
Clerk.

**THE WHITE HOUSE**

**Office of the Press Secretary**

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**For Immediate Release**

**September 20, 1996**

**STATEMENT BY THE PRESIDENT**

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