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cc:

Subject: New Congressional Report: 1049 Reasons to Allow Gay Couples to

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FOR IMMEDIATE RELEASE
Thursday, March 6, 1997

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New Congressional Report: 1,049 Reasons to Allow Gay Couples to Marry?
"Congress shoved lesbian and gay couples outside this entire system of federal protections"

(NEW YORK, March 6, 1997) A new congressional report reveals that there are at least 1,049 laws addressing marital status, including federal benefits, protections, and responsibilities all forbidden to lesbian and gay couples under the so-called Defense of Marriage Act that became law last year.

"Six months after voting for this radical anti-marriage bill, Congress just now is checking out what civil marriage means under federal law," said Evan Wolfson, Marriage Project Director for Lambda Legal Defense and Education Fund. "They shoved lesbian and gay couples outside this entire system of federal protections," he said.

The congressional General Accounting Office (GAO) said it identified 1,049 federal laws, from the widely significant to the obscure, "in which marital status is a factor, even though some of these laws may not directly create benefits, rights or privileges."

The study was released quietly last month in response to questions raised in Congress about the anti-gay, anti-marriage legislation widely known as DOMA.

Although not banning marriage by same-sex couples, DOMA bars federal recognition of those marriages once they become legal in any state. Hawaii, where a state judge recently ruled that the government has no valid reason for not allowing gay people to marry, could become the first state to legalize such same-sex marriages, pending the outcome of the state's appeal to the state supreme court.

"The GAO report further proves our case for ending marriage discrimination," said Wolfson, who is co-counsel for Lambda in the Hawaii marriage trial, *Baehr v. Miike*. "With so many legal protections and responsibilities linked only through civil marriage, it is not possible to devise individual contracts or domestic partner programs that could anticipate all these needs or replace this institution," he said.

"A highly respected judge in Hawaii said the government has not one good reason for denying these families civil marriage access. Now, in addition to the myriad state laws and private agreements that concern marriage, we see there are 1,049 federal reasons why gay people should be allowed to marry," Wolfson said.

Lambda Executive Director Kevin Cathcart said, "Stabilizing families and couples is of such value that society has created a unique web of laws to acknowledge and protect them. Coverage is available only through civil marriage, and no citizens should be denied access to this institution."

The study was ordered by House Judiciary Chairman Rep. Henry J. Hyde (R-Ill.) at the behest of then-Rep. Steve Gunderson (R-Wis.) during last September's blistering DOMA debate. President Clinton signed the bill in the heat of the presidential election campaign.

In its 102-page report, the GAO noted there may be even more than 1,049 federal laws that mention marital status, but it would have been too complex to identify every single law in the U.S. Code. The report was finalized February 7.

Categories of the 1,049 federal laws that refer to marital status include:

Social Security and related programs, housing, and food stamps
These include the rights of husbands and wives, and widows and widowers under the Old Age, Survivors, and Disability Insurance (OASDI) program. Marital status also affects a person's eligibility and benefit levels in the Supplemental Security Income (SSI) program.

Veterans' Benefits

These affect rights and privileges of husbands or wives of veterans, including additional disability compensation for the spouses of disabled veterans.

Taxation

There are 59 provisions in federal income tax law under which liability is affected by a taxpayer's marital status.

Employment benefits

Laws include unpaid leave for employees to care for a seriously ill spouse, death benefits for the spouse of a public safety officer killed in the line of duty, and annuities and lump-sum benefits for spouses eligible under the Railroad Retirement Act, with survivors benefits also available to spouses of longshore and harbor workers.

Immigration

A policy of keeping families intact.

Trade/Commerce

Spouses may receive protection in residential mortgage agreements. Marital status also can affect the income calculations used to determine eligibility for financing under programs such as the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993.

Lambda is the oldest and largest legal organization for lesbians, gay men, and people with HIV and AIDS, with headquarters in New York, a Midwest Regional Office in Chicago, and a Western Regional Office in Los Angeles. It will open a Southern Regional Office in Atlanta later this year.

Copies of the GAO report are available on the Internet at <http://www.gao.gov/> or from the Office of General Counsel, U.S. General Accounting Office, Washington, DC 20548.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

July 12, 1996

PRESS BRIEFING BY
MIKE MCCURRY
The Briefing Room

1:55 P.M. EDT

MR. MCCURRY: Good afternoon ladies and gentlemen, and thank you for noting my late arrival, Helen. No, the President just had a scheduling meeting with some of the staff, so I wanted to delay until I could tell you more -- actually, until Mary Ellen could tell you more about the schedule next week, most critical of which that we are not planning any travel on Tuesday. We just decided that a short while ago, so I wanted to wait until we knew that for certain before starting.

And it's a quiet day at the White House.

Q

MR. MCCURRY: Yes, I can. It's a quiet day at the White House, and Mary Ellen will do the whole schedule next week for you at the proper point. In fact, if you want to just have her do that, we can all go home. And I'm prepared, with the exception at the end of the briefing to announce a full lid with the following provisions: one, we'll be giving you an embargoed text of the President's radio address later today -- probably, what, 6:00 p.m., 7:00 p.m.? Probably about 7:00 p.m. So that will be available to the wires.

Q Subject?

MR. MCCURRY: The subject will be the very encouraging developments related to welfare reform this week. In fact, the growing sense that maybe we'll be able to get some work done in this session of Congress. Minimum wage certainly is looking a lot better. Kassebaum-Kennedy discussions on expanding health care affordability continue to go well. And then the very important development yesterday in which congressional Republicans agreed to drop one of the poison pill elements that had delayed consideration of welfare reform by separating the Medicare issue from welfare reform. So we now stand on the verge of having a welfare reform proposal that can get bipartisan support and the President's signature.

Q Does this mean he's leaving earlier tomorrow?

MR. MCCURRY: No, he's got some work to do. He is actually, tomorrow morning, for those of you who will be around tomorrow, since I hope I won't be -- we've got some of our political film crews that will be in taking various shots of him doing some things that we'll need for later in the fall. So he's going to do that in the morning, and then they'll leave for Camp David immediately after.

Q But it's much too early in the season for politics.

MR. MCCURRY: Oh, it is. It's just -- you know, get some stuff in the can now, in case you need it. (Laughter.)

Q Mike, before you turn it over to Mary Ellen, does the President plan to sign the same-sex marriage bill that's been through the House today, as he understands it?

MR. MCCURRY: Our views on that, I think you know. The President -- and they have not, the President's views have not changed. He's personally felt that way for some time. And as we've said before, if it's presented to him in final fashion the way it was advertised he would sign it, yes.

Q Do you think that this is being passed primarily by Republicans in the House as a way of either causing the President to be embarrassed or forcing a wedge between him and the gay community, which has supported him in the past?

MR. MCCURRY: No, I don't think it necessarily is directed at forcing the President to have a dispute with the gay and lesbian community. I think, in fact, it is gay baiting pure and simple. They're raising an issue that, in fact, doesn't arise anywhere. The Hawaii statute -- the Hawaii issue is a legal issue that had been remanded back to a lower court, so this is not a pending matter. And it's a classic use of wedge politics that are designed to provoke anxieties and fears. That being the case, though, the President has very strong views, personal views, and he has to act consistent with those views.

Q I'm sorry, but it sounds like you want it both ways. You say it's gay-baiting pure and simple, but then you're going to sign it. So in other words --

MR. MCCURRY: Well, as I just said -- I just said the President believes what he believes. The President believes what he believes and he has to stand firm based on what his convictions are. But the point is, the issue is -- is this a debate or a piece of legislation that's necessary? And it's hard to see how it is. And it clearly going to provoke some animosities.

Q Then why is it necessary to sign it?

MR. MCCURRY: Because Congress passes it -- the way it works under the Constitution, Carl is that if Congress passes an act, they send it down here, we have to do something with it. In this case--

Q He always can veto --

MR. MCCURRY: He can't veto something that he just -- I mean, he can't veto it because he believe, frankly, that the underlying position in the bill is right. That's consistent with his personal views.

Q On Helms-Burton, the Canadians are hoping for a delay implementing the enforcement mechanism of the thing. Are there any talks planned if that were to happen?

MR. MCCURRY: Talks -- I don't get the question.

Q Talks between the White House and the Canadians to perhaps find some sort of alternative.

MR. MCCURRY: Well, we are trying to work with affected entities and individuals who will be affected by the Helms-Burton statute so that they understand what they're opportunities are under law. The way the law works, they can divest themselves of that expropriated property and then remove any

restrictions that arise under the Helms-Burton Act. And we certainly continue to encourage those types of conversations, but we intend to continue to implement the law. We've got a pending question concerning some of the economic provisions of Article 3 that the President will deal with some time before Tuesday, which is the deadline.

Q So he will decide by Tuesday whether to give them a reprieve?

MR. MCCURRY: The deadline is by Tuesday in which we look at whether or not to invoke the waiver provision of Article 3.

Q Can you explain how that will work? I mean, is he going to get a recommendation from the NAC and then decide based on that?

MR. MCCURRY: There's been fairly extensive interagency work on the issue, examination of the pros and cons. And they will present some options or some recommendations to the President -- at least some options -- and he will be in a position to review them and make a decision next week.

Q You mean there is a possibility he might grant that waiver to Cuba?

MR. MCCURRY: There is a number of possibilities. I don't want to speculate on what he might decide.

Q Have the options been presented to him yet, Mike?

MR. MCCURRY: They are being finalized and, of course, people have discussed this issue with the President. It's been one that's been pending for some time and, of course, been raised by foreign leaders that the President met with most recently in France.

Q Besides your printed statement, has there been any effort to get in touch personally with the Cuban-American group so that they don't defy the international borders on Monday?

MR. MCCURRY: Yes. You can tell from that statement that we have issued, we have had very extensive and very productive contacts with those who will be organizing the flotilla. And you may not be aware they have just -- they have issued this statement and now it has been made available. They have now issued a statement indicating that the memorial flotilla will not enter Cuban jurisdictional waters or airspace during the ceremonies on July 13th -- obviously, a statement that the White House very much welcomes consistent with our view that a fitting and proper memorial observance can take place.

Q Would the U.S. support the idea of a NAFTA panel to review Helms-Burton, much as it did when the softwood lumber debate came through?

MR. MCCURRY: That's not an issue that I have heard any enthusiasm expressed for here at the White House.

Q Is the President spending any time monitoring Hurricane Bertha today?

MR. MCCURRY: He is, Wolf. He has been getting updates from the Chief of Staff. The Chief of Staff and others here at the White House have been in direct contact with James Lee Witt. I think a number of you have had the opportunity to hear from him. There is a very extensive federal

preparedness effort underway through FEMA; a lot of work being done with state and local law enforcement officials and also state and local disaster relief officials. And the President has been getting regular updates from Mr. Panetta.

Q To quickly go back to the same-sex marriage bill, the President doesn't object to the legislation, does he?

MR. MCCURRY: No. He will -- if it's presented to him in the form that it's been stipulated, which is the definition and the applicability to state actions, he would sign it.

Q I'm intrigued by your depiction of it as gay baiting and gay bashing and --

MR. MCCURRY: Not the legislation itself. It's the use of this issue in a way that clearly provokes hostilities towards gay and lesbian groups in some quarters.

Q By drawing up the legislation, which the President will sign?

MR. MCCURRY: By drawing up the issue, raising an issue in which there's not substantive grounds to believe that there is a concern that should be addressed through federal legislation.

Q Then why is he going to sign it if you don't think it needs to be addressed through federal legislation?

MR. MCCURRY: That's the exact question from Carl.

Q Mike, the President of Colombia has said he intends to address the General Assembly of the United Nations in September. Is there any way the United States can keep him from coming to New York to address the General Assembly?

MR. MCCURRY: The waiver -- or the restrictions on the visa as announced by the State Department yesterday made clear that they cannot prevent him from attending a function at the United Nations, but that is our responsibility as host nation of the United Nations. He certainly is otherwise unwelcome in the United States.

Q Mike, back on Cuba. Has the administration or the U.S. government sent any kind of notice to Cuba itself with respect to tomorrow's commemoration in international waters?

MR. MCCURRY: Have we through the -- we have through the intrasection in Havana discussions with the Cuban government. We've indicated that we would, of course, uphold international law, encourage those participating in the flotilla not to violate international law by illegally entering Cuban airspace or territorial waters. But that is now a moot point, given this very encouraging statement from the organizers of the flotilla.

Q Well, is it a moot point since U.S. claims that the shutdown from last February took place in international airspace?

MR. MCCURRY: Well, we don't claim -- we don't need to make that as a claim. That is now established as a matter of fact by the International Civil Aviation organization.

Q Stipulated, but since it took place in international airspace, might not there be a need -- or is the U.S. going to provide any kind of protection for this flotilla?

MR. MCCURRY: There will be, as there has been in the past, active surveillance and escort from the U.S. Coast Guard. The Department of Transportation will be following this carefully and they'll be in coordination with the Defense Department as necessary.

Q Did you say there was a decision made on travel Tuesday?

MR. MCCURRY: We're not going anywhere on Tuesday, and I'll have Mary Ellen do that.

Q Mike, back on same-sex marriage. If you're criticizing the Republicans for bringing it up now, but yet you're attacking them for trying to separate out the gays and provoke hostilities, aren't you really trying to do it both ways because you say you're going to sign the bill --

MR. MCCURRY: It's hard to understand why the issue arises, unless it's being done to somehow or other cast dispersions on gays and lesbians. That's the point.

Q Yes, but you want it both ways.

MR. MCCURRY: But the point is it is -- in a sense, I acknowledge that, we do have to have it both ways because the President has a personal belief related to marriage and what it is and he has to act consistent with a personal belief. So that's what he's doing.

Q You're alienating all these gay voters that voted for you in '92.

MR. MCCURRY: And we know that this has caused pain in the gay and lesbian community and we've tried to be as accommodating as we can in reaching out to them to discuss the issue. And more importantly, we tried to tell them that our focus will remain on what we think are policy implications, and that we will continue to work as hard as this President has worked to prevent discrimination against gay and lesbians, and more importantly, connected with this issue, because this is the firm belief in the gay and lesbian community that this issue arises because of an effort to cast aspersions on gays and lesbians -- that we speak out when we see examples where people are using legislative proposals or ideas like this to attempt to divide Americans.

Q How do you accommodate them?

MR. MCCURRY: Well, we work closely. We have a liaison operation here that talks to them. We meet with them. We try to have a good dialogue with them in which we find areas in which we agree upon and work together and try to move forward.

Q It's been suggested that on the welfare issue, the Republicans are trying to use that as a wedge as well by offering up a deal by the end of next week just before the President has to go to the convention -- a deal that they think some other Democrats wouldn't like the President to sign. Can you refresh our memory -- if the Senate bill went through and the poison pill, as you describe it, of Medicaid isn't in there, were there other elements of the Senate bill that you could not live with?

MR. MCCURRY: Well, there has been a very active dialogue between the White House and members of Congress and congressional staffs on welfare reform. And it has -- we've moved well beyond the question of the Senate bill. The vehicles that are most attractive now that I think are going to get the most attention as Congress looks at welfare reform are the so-called Breaux-Chafee proposals in the Senate and then the Castle-Tanner proposal in the House.

Now, a lot of the elements of these measures have a lot in common with the administration's original bill. Most of the elements now are kind of closing in on the same things. You're getting work requirements; you're getting time limits of five-year lifetime limit; tough child support enforcement measures; additional funding for child care; provisions that would require minors who are mothers to stay at home or to stay at school; options on child care funding.

The Republicans have moved a considerable distance towards the President's views in making more money available for child care. They have dropped cuts in school lunch, child welfare, cuts in funding that would have gone to disabled children. They're working on the performance bonus, which is a provision that helps states deal with some of the cost.

So it is converging now around some models that, while not exactly perfect in the White House view, not exactly identical to what the President would have originally proposed, is coming together as a very sensible, very historic, bipartisan approach to reforming welfare as we know it. And the President is concentrating -- intends to concentrate a lot of effort to see if we can't get that passed and get it passed before Congress leaves for recess some time before the conventions begin.

Q And Wisconsin welfare plan?

MR. MCCURRY: Well, in a sense -- I mean, what's so exciting about this development yesterday is it renders the whole waiver process moot. Once we get a federal legislation passed, Wisconsin could go ahead and start implementing welfare reform now. As you know, under this legislation passed and signed by Governor Thompson of Wisconsin, their welfare reform experiment would not begin until October of 1997. If we can federal welfare reform legislation passed and on the books, Wisconsin could proceed with its welfare experiment now.

Now, the work on the Wisconsin waiver continues and the experts continue to work through some of the issues, but, in a sense, that whole question of waiver state by state might be overtaken by passage of welfare reform legislation at the national level. And that could happen quite soon.

Q What do you say to Senator Moynihan who says that if this legislation goes through basically as it is that one out of four children will wind up in poverty?

MR. MCCURRY: What we say is what we said to him when we wrote to him in June, that there are lots of different ways that you measure the income effects of poverty estimates when it relates to welfare reform. And there are a lot of things that we don't know that could change that picture and change some of those calculations.

You know, we don't know now if we get welfare reform what economic growth rates are going to be. We don't know what unemployment levels are going to be. What we do know is that the picture is encouraging and improving with respect to both, and that changes the calculations about what a state can accommodate, what poverty impact there would be on welfare reform. It's an inexact science predicting what is going to happen to indigent populations as you make this transition.

But what all the statistics sometimes fail to account for, too, is that the quality of life that is available for people is infinitely better and superior if you are in a community setting in which you are working, in which you're in a family setting that is dependent on going to work, having the value of work recorded in your family versus being in a welfare dependent family. And that's something that the statistics don't calculate.

So we say to Senator Moynihan, this nation will be better off if we reform welfare as we know

it. And we believe the lives of the children, the lives of those who have been welfare-dependent, will be vastly improved if we can help them make that necessary transition away from welfare dependency and into work settings. That is part of what America is about, this President believes, and it's clear that a growing majority in Congress believes that as well. And we think we can do that, and we can do that and still protect the kids who we acknowledge are going to need child care. We can protect the guarantee for health care that has to be there for the poorest populations.

So, look, this is an historic opportunity and the President believes we can get this done, and the President is fully satisfied in sharing the credit with the Republican Congress, even with Mr. Dole. Bob Dole really hasn't, frankly, been part of any of these conversations, but he put out a statement yesterday and encouraged the Congress to step forward and pass welfare reform.

Q But what are the last sticking points? I mean, we're trying to get down to what are the differences now.

MR. MCCURRY: Oh, the sticking points are the ones that -- they're not impossible to overcome, but they have to do -- there is still some discussions left on benefits that would be available to legal immigrants, and there are some adjustments in food stamp issues and other things that need to be addressed. They are not the central elements of welfare reform. They are important, they need to be addressed. We need to figure out how we overcome those, but they are not insurmountable hurdles, the White House believes.

Q Two questions, Mike. First, do you mean to say that the benefits of work, the benefits of solid families in this case would outweigh perhaps a slight difference in money -- the quality of life would be better if they had -- despite the fact that they have fewer dollars to spend?

MR. MCCURRY: Well, no. What I'm saying that -- you might have a family that in a poverty impact analysis looks better in cash income if its got welfare benefits flowing to it, but there is something that impoverishes that family by being welfare dependent. You lose the value of work, you lose the ethic of work and being part of a community in which you're contributing, in which you're paying your own freight and pulling your own load. There's something that's intangible about that that is important. And it doesn't get measured in raw statistics.

Q I'm sorry, how does that differ from what I asked?

MR. MCCURRY: Maybe that's what you said.

Q Okay. The second question is, are you comfortable with the child care provisions in Breaux-Chafee and Castle-Tanner? And do they not, in combination with other things, raise the cost of welfare at least in the short run over what we're paying today?

MR. MCCURRY: Well, they -- you do have to make the investment in child care spending, that's true. That's something that, by the way, in the case of Wisconsin was acknowledged by the legislature and the Governor, because they project, I think, something like \$100 million additional spending in the course of that experiment for child care.

So there are short-term costs. In fact, frankly, it's been -- that's been part of the challenge, has been convincing the Republican majority in the Congress that you do need to make these investments to make this historic change in the welfare system, because you have to guarantee the health care is available and the spending through Medicaid has to be there. And you also have to acknowledge that there are going to be requirements on child care.

And then, of course, we face at the local level, as you did in Wisconsin and other states have faced, what are the job requirements going to be and what are job opportunities going to be. In the state of Wisconsin's plan they've made provisions for local contractors and local entities that will work with the state in providing job opportunities, because that has to be real. But remember, we're talking about an economy now that has provided 10 million new jobs over the last four years and very clear signs of robust economic growth. So we believe the jobs are going to be there because we're in an economy that is producing jobs and making those jobs available.

Q On the Wisconsin plan, without disputing the fact that families and the country and the government would be better off if everybody went to work rather than being on welfare, what about the children of these parents who don't abide by the rules? They're punished if their parents don't abide by the rules. What about those children?

MR. MCCURRY: Well, look, from the get-go the President has said welfare reform has to be about being tough on work requirements and being easy on the kids who are going to be left behind.

Q How do you do that?

MR. MCCURRY: Well, by increasing funding for child care opportunities, by making sure that health care opportunities are available. And then, states have got -- there are hardships --

Q But if the parents aren't working -- do you know what I'm saying? I'm saying if the parents don't go along with the governor's -- the Wisconsin plan to work, if they just don't do it, what about these children?

MR. MCCURRY: Well, there are hardship exemptions that are available in those unusual cases on any plan. On a lot of these state experiments where there have been waivers, they can allow for something. If you got, for some reason, a parent that just cannot participate within the experiment or cannot meet the requirements of law, they have provisions for taking care of kids.

But the parents have fundamental obligations to their children. So if they want to sit back and just not accept the responsibilities they have to try to care for kids, that says something about the quality of the parenting that they're doing. And in that case, the state has -- states have the right, through child custody proceedings, to take action. That's what would happen in a case like that.

Q So you'd take the kids away?

MR. MCCURRY: Well, we don't take kids away. That is stuff that's done in child custody cases and done in local jurisdictions. You know that. But the point is those are, we hope, unusual situations. The message here goes out, you're going to be part of a work process, you're going to get job training, you're going to have job search opportunities, you're going to be part of a new ethic which says you can't continue welfare dependency forever. Welfare dependency is designed to be a short-term transition for people who face --

Q That's true, and nobody is arguing that. I'm just saying that there is more than a handful of parents out there, and I think you'll agree, that just are like deadbeat parents. They're like deadbeat dads.

MR. MCCURRY: Well, that's right. And we --

Q What do you do with all those children?

MR. MCCURRY: We do all these things that we have been doing. We chase them down. We track down the deadbeats. We get their -- we garnish their wages. We withhold their income tax refunds, if that's what they are getting, so that the money goes to the kids who need the help. We have been -- had a fairly vigorous effort in this administration to deal with exactly that problem. And more importantly, you do have provisions in law that can take care of those what we hope are very rare exceptions where you just -- you can't find any other way to take care of a kid who would otherwise be abandoned by a parent. There are ways that you can accommodate that situation.

Q Are you familiar with this case of an IRA member in San Francisco, who is being -- may be extradited unless President Clinton personally, or Secretary of State Christopher intervenes on his behalf?

MR. MCCURRY: Yes, Jimmy Smith's case. Familiar with it enough to just tell you a little bit about where we are. He has -- the Supreme Court just recently -- I believe one of the last of its round of decisions -- refused to grant a cert to his case. So it was remanded to the court for a certification of extraditability, which has now been granted by the court. That then under our law gives the Secretary of State 60 days to review it.

Now, it may very well be that Mr. Smith's counsel will pursue additional avenues. She apparently does have other legal options that might be available. In any event, my understanding is this is not -- it's in the process of being referred by the Justice Department to the State Department. It then has to go through a review at the State Department and would have to be duly considered by the Secretary of State. That's where it stands.

Q On Kennedy-Kassebaum, Senator Breaux is circulating another proposal on MSAs. Has the White House had a chance to review this?

MR. MCCURRY: Well, we have a very vigorous, active dialogue with a number of senators and a number of Senate staffs on Kassebaum-Kennedy and we are working very hard to see if we can't get an acceptable provision that would lead to passage of that measure, as well.

Again -- to say again -- minimum wage, welfare reform and the Kassebaum-Kennedy health care measure are all pretty close to the five yard line now. And we'd like to get them across the goal line sometime before summer.

Q -- metaphor.

MR. MCCURRY: I should have used a baseball metaphor.

Q Do you still expect a Wisconsin waiver approval early next week?

MR. MCCURRY: Well, I think -- look, a lot of the same people who are working the Wisconsin questions are now training their sights on this new opportunity we've got related to the federal legislation. And I would imagine that the President, himself, will want to see what the possibilities are on the federal legislation because that would have a very direct impact on the Wisconsin case.

But the Wisconsin -- they continue to work through some of the Wisconsin issues and the President, in fact, earlier today, got an update from some of our welfare reform experts on where they are on considering the various waiver requests. This is a very technical set of issues because they have

to look at the exact law and how it applies and it was all too complicated for me --

Q Is that why it took longer than 30 days?

MR. MCCURRY: It's taken some time because there are some thorny issues there and there was a lot of back and forth between the state. The state came in and modified some of its original labor requests. And this is, frankly, what frequently happens in these discussions because the welfare reform experts at Health and Human Services deal with the state officials and they negotiate back and forth and there are very often changes made. There were some changes in the combinations made in the states requests and they will continue to work through those issues.

Q Can we get a schedule?

MR. MCCURRY: Yes. Any other last things before I turn the podium over?

Q Just one thing please on the Helms-Burton that's due Tuesday. Where is the President right now and others? He's not ruling out the possible waiver, he's not saying --

MR. MCCURRY: I was pretty clear in saying he's got until Tuesday to act and he's got a number of options and I didn't suggest one or the other.

One last one, Paula.

Q The taxpayer bill of rights has been cleared for the President. Does he intend to sign that as soon as it's received?

MR. MCCURRY: I'm not familiar with that. We'll have to check on that. I don't know.

You're on, Mary Ellen.

THE PRESS: Thank you.

END

2:30 P.M. EDT

July 17, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Richard Socarides -- 456-6247

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

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.

Thank you for contacting me regarding marriage of same gender couples.

I have strongly opposed discrimination against any group of people, including gay and lesbian Americans, and I have supported legislation to outlaw discrimination against gays and lesbians in the workplace.

In 1992, I stated my opposition to same gender marriage and recently, when the issue was raised in Congress, I said that if a bill consistent with my previously stated position reached my desk, I would have no alternative but to sign it.

~~Despite this commitment,~~ ^{However,} I strongly believe that raising this issue now is divisive, unnecessary and a classic case of gay baiting. It is yet another attempt to divert the American people from the urgent need to confront our challenges together. The rich fabric of American society is woven from the threads of our shared experience, and it is of the utmost importance that our nation work to expand this common ground.

My Administration has taken more steps than any other on behalf of gay and lesbian Americans. For the first time in history we have openly gay and lesbian individuals serving in senior Administration positions, and their impact, through both their expertise and their efforts to advocate for the concerns of gay men and lesbians, has been significant. I have also, among other things, issued an Executive Order prohibiting discrimination on the grounds of sexual orientation in the granting of security clearances.

Throughout my life, I have sought to heighten public awareness of discrimination and promote inclusion in order to send a powerful message of equality and acceptance. I believe that we must continue to help people rise as far as their talents and determination can take them, so that we can make the most out of our great diversity.

I know this is a difficult issue for many Americans and I appreciate your taking the time to share your thoughts. Rest assured that I will do everything in my power to prevent this issue from being used to divide us.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 11, 1996
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 3396 - Defense of Marriage Act
(Barr (R) Georgia and 117 cosponsors)

The President strongly opposes discrimination against any group of Americans, including gay and lesbian individuals, and he supports legislation to outlaw such discrimination in the workplace.

The President, however, has long opposed same sex marriage. Therefore, if H.R. 3396 were presented to the President as ordered reported from the House Judiciary Committee, the President would sign the legislation.

* * * * *

REGULAR PRESS BRIEFING WITH
SENATE MAJORITY LEADER SENATOR TRENT LOTT (R-MS)
THE OHIO CLOCK, THE CAPITOL
WASHINGTON, DC
10:05 A.M. EDT
FRIDAY, JULY 12, 1996

Q The House votes today -

SEN. LOTT: Yeah?

Q - on same-sex marriage legislation.

SEN. LOTT: Mmm-hmm.

Q Do you know when that might happen -

SEN. LOTT: Not before September, but we do have it tentatively pencilled-in in early September.

Q Do you anticipate that it will become law, or do you -
(off mike) -

SEN. LOTT: Well, I assume it would if it passes the House, which I presume it will, passes the Senate, which I presume it would, and the president would sign it. I mean, I believe he indicated that.

But again, you know, the problem I have is just finding a window to put things in. We have got to do our appropriations bills. The Democrats are going to continue, I guess, to try to gridlock everything that needs to be done. So I have to weigh all of that. But I will try to find a way to do it.

Curry

THE WHITE HOUSE
WASHINGTON

July 17, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Richard Socarides -- 456-6247

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

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.

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July 22, 1996

MEMORANDUM TO GEORGE STEPHANOPOULOS

FROM: Richard Socarides

RE: Anti-Gay Marriage Bill

As we have discussed, the so-called Defense of Marriage Bill now pending in Congress has **two separate and distinct provisions**.

First, it provides that no state shall be required, under the Full Faith and Credit Clause of the U.S. Constitution, to recognize a same-gender marriage validly preformed in another state. This is the provision which would in theory allow a state not to recognize a same-gender marriage performed in Hawaii.

Second, it provides that for purposes of federal law marriage shall mean only a marriage between a man and a woman. Thus if there came a time when same-gender marriages were recognized in Hawaii or any other state, this provision would deny all federal benefits to these gay married couples which are otherwise available to straight married couples.

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GEORGETOWN UNIVERSITY LAW CENTER

Chai R. Feldblum
Associate Professor of Law

THE DEFENSE OF MARRIAGE ACT: A HOST OF PROBLEMS

The Defense of Marriage ACT (DOMA) is either *unnecessary* and *pointless* **OR** it is *unconstitutional*, on either *federalism* or *equal protection* grounds.

A. DOMA May be Unnecessary

Professors Cass Sunstein and Lynn Wardle recently testified before the Senate Judiciary Committee on DOMA. Both legal scholars agreed on one point: as of *this* moment, states have *often* chosen *not* to recognize marriages from other states that were contrary to the first state's *public policy*. Professors Sunstein and Wardle both cited numerous cases and legal authorities on this point. So, *if* the Supreme Court (which has *never ruled directly* on whether states *may* legitimately ignore other states' marriages) were to conclude the Full Faith and Credit Clause of the Federal Constitution does *not* require states to recognize other states' marriages -- *which is how the states have been operating up till now* -- then passage of DOMA is completely *unnecessary* and *pointless*.

B. If DOMA Is Not Unnecessary, It Is Unconstitutional

At the Senate Judiciary Committee hearing, Senator Feinstein asked Professor Wardle a very simple question: In light of the *established* tradition of states *not* recognizing marriages that are contrary to their public policy, *why* did Professor Wardle feel DOMA *was necessary*? Wardle's answer was equally simple: It is not *impossible*, he said, that the courts might *now* decide to *apply* Full Faith and Credit to marriages and rule that States do *not* have the authority to ignore marriages from sister States. Indeed, several legal scholars believe such an interpretation of the Full Faith and Credit Clause is the *appropriate* one.

But *if* the Supreme Court were to agree and were to rule that States *must* recognize sister State marriages under the Full Faith and Credit Clause, *Congress' effort* to allow States to *ignore* this obligation -- which is what DOMA attempts to do -- is *unconstitutional*. It also will create a *horrible precedent* for Congress in other areas.

1. Federalism and Harmful Precedent

Put simply, the *first* sentence of the Full Faith and Credit Clause requires each State to recognize "the public Acts, Records, and judicial Proceedings of every other State." The *second* sentence of Clause gives Congress the authority to "prescribe the *manner* in which such Acts, Records and Proceedings shall be proved and the *Effect* thereof." Every law Congress has ever passed in the area of full faith and credit has been legislation to *further* the recognition of state acts. Congress has *never* attempted to pass legislation that would allow states to *ignore* sister

State acts that would otherwise be *mandated* recognition under the Full Faith and Credit Clause.

If Congress had the power to do this, that would mean Congress has the power to create a "*Some Full Faith and Credit*" Clause. *But if that were true, this Congressional power would go way beyond the issue of same-sex marriages.* What is to stop interest groups from coming to Congress and asking Congress to pass legislation allowing states to ignore the judgments of other states in the area of *product liability*? At the moment, if a California court issues a judgment against a company in a product liability case, which requires the company to pay damages and take certain actions to ensure future products are safe, a plaintiff can go into court in Delaware (where the company is probably headquartered) and ask the court to issue an injunction forcing the company to *comply* with the California judgment. And the Delaware court will do so -- because it *must recognize* the judgment of the California court. But what Congress is saying in DOMA is that it has the *constitutional power* to pass legislation that would *allow* Delaware to *ignore product liability judgments* from other states.

And it is not only business interests that will come clamoring to Congress. Most companies are currently headquartered in Delaware because Delaware has very liberal rules regarding *corporate governance*. What is to stop *consumer groups* from asking Congress for legislation that would allow states to *ignore* sister State judgments regarding *banking and corporate governance*?

Once Congress decides that sentence two of the Full Faith and Credit Clause gives it the power to create a "*Some Full and Faith Credit*" Clause, Congress must expect a range of interest groups to line up, clamoring for Congress to exercise this new-found power.

2. *The Romer v. Evans Limitation*

Even were the Supreme Court to rule that Congress has the *power* to create a "*Some Full Faith and Credit Clause*," (a very unlikely ruling), the Court might still find Congress' exercise of that power in passing DOMA violated the Constitution's *equal protection clause*.

The question before the Supreme Court would *not* be significantly *different* from the question it faced in ruling on Colorado's Amendment 2. In that case, the Court observed that Amendment 2 imposed a *broad disability* on a *single, named group*, was practically *unprecedented* in legal history, and seemed to be *unexplainable* by anything other than *animus* toward the affected group. And mere *animus or dislike* of a group, ruled the Supreme Court, *was not a legitimate basis for governmental action under the federal Constitution*.

Congressional action in passing DOMA may well be viewed the same way. As Professor Sunstein noted, this is the *first* time Congress has ever acted to allow states to ignore sister State marriages -- an action it *never* took before despite a range of state marriage laws. And the only *reason* for this unprecedented action appears to be significant discomfort with, and dislike of, gay people who wish to marry. This may well be found to be unconstitutional by the Supreme Court.

EXECUTIVE OFFICE OF THE PRESIDENT

11-Jul-1996 02:51pm

FROM: Doug.Case

SUBJECT: Boston Globe: Gay Rights Movement Finds Agenda in Peril

THE BOSTON GLOBE
Box 2378, Boston, MA, 02107
FAX: 617-929-2098, E-MAIL: letter@globe.com
Monday, July 8, 1996

GAY RIGHTS MOVEMENT FINDS AGENDA IN PERIL

By Bob Hohler, Globe Staff and Jayson T. Blair, Globe Correspondent

WASHINGTON -- The gay rights movement, at odds with Bob Dole and disheartened with Bill Clinton, approaches a pivotal juncture this week as the House prepares to act on a Defense of Marriage Act that would ban marriages between people of the same sex.

Debate over the bill, sponsored by Dole and supported by Clinton, will unfold as the gay rights movement enters the presidential election season with much of its agenda under siege and its long-term momentum at risk.

With both major parties expected to spurn requests at next month's conventions to step up support for homosexual rights, the movement's leaders fear the campaign could stall if a large number of disaffected gay and lesbian voters stay away from the polls in November.

The disaffection could be stirred if the House, as expected, handily passes the Defense of Marriage Act and sends it to the Senate, where the measure also is broadly supported.

Debate over the measure has muted discussion of other issues central to the gay rights movement, from eliminating job discrimination to expanding resources to combat AIDS.

Many gay and lesbian activists criticized Dole and the bill's other Republican sponsors for trying to demonize homosexuals in an election-year appeal to conservatives, particularly the religious right.

But homosexual leaders tempered their disdain for Clinton, warning prospective voters that abandoning the president and other candidates who generally favor homosexual rights could undermine their movement.

"There is no question that President Clinton has alienated many lesbian and gay voters throughout the country," said David M. Smith, communications director of the Human Rights Campaign, a political action group for homosexuals that claims 150,000 members. "But he still has done more than any president in the history of the country to advance civil rights for gay and lesbian people."

Clinton's immediate attempt after taking office to ban discrimination against homosexuals in the military backfired, leading to a "don't ask, don't tell" compromise that angered both foes and supporters. But he has since opened doors long closed in government to gays and lesbians.

Clinton banned discrimination against homosexuals in the federal bureaucracy outside the military. He ended the practice of denying gays and

to go into orbit if Ralph Reed is telling Bob Dole who to appoint to the Supreme Court."

lesbians security clearances and supported the Employment Non-Discrimination Act. The bill, which would ban job discrimination against homosexuals in the public sector, awaits congressional action.

Clinton also appointed more than a dozen people who are openly gay or lesbian to high-level posts, including Bruce A. Lehman, an assistant Commerce secretary, and Roberta Achtenberg, an assistant secretary in the Department of Housing and Urban Development.

Although congressional opposition to broader homosexual rights has increased since the Republican takeover in 1994, Clinton has said he will continue to press for expanded civil rights for gays and lesbians, particularly for the Employment Non-Discrimination Act.

"I remain dedicated to ending discrimination and to protecting the civil rights of every citizen in our society," the president responded in writing to a question last month from The Advocate, which describes itself as the national gay and lesbian news magazine.

Clinton received an estimated 75 percent of the gay and lesbian vote in 1992, and the Democratic National Committee's gay outreach staff is actively trying to maintain that edge.

To do that, Clinton must overcome a sense of betrayal that many gays and lesbians harbor about the "don't ask, don't tell" policy, his support for the Defense of Marriage Act and his administration's decision to stay out of a Supreme Court battle over a Colorado law that the justices recently found discriminated against homosexuals.

Conservative forces have galvanized around the Defense of Marriage Act, prompting Clinton to seek a more centrist stance.

Some gay rights strategists had hoped to defer the debate over homosexual marriages for several years, when they expected public opinion to shift in their favor. But the coalition of Clinton and the conservatives has turned the pending legislation into what Smith, of the Human Rights Campaign, described as "a freight train out of control."

Ralph Reed, leader of the Christian Coalition, called on Congress to send the bill to Clinton's desk by Labor Day. And conservative strategists met last Tuesday on Capitol Hill to plan counterattacks against what they declared "radical gay rights" initiatives in Congress.

"There is a myth that what people do in the privacy of their own bedroom does not affect society," Robert Knight, an activist with the conservative Family Research Council, told congressional staff members at the meeting.

Rich Tafel, executive director of the Log Cabin Republicans, a gay and lesbian group, rejected viewpoints such as Knight's as "ludicrous."

But Tafel asserted that Democrats are taking the support of gays and lesbians for granted. He said the major obstacle facing the gay rights movement is not the Republican Party but "the rise of power from the American South" in Congress.

"The American South is where the gay community is weakest," Tafel said. "As the American South gains in power, the less likely it is that legislation will pass."

But other homosexual activists argued that the problem had more to do with the GOP than geography. The bottom line, said Melinda Paras, executive director of the National Gay and Lesbian Task Force, is that "the climate of the Republican majority Congress is not conducive to gay rights legislation passing."

Moreover, the future of the movement may hinge largely on the Supreme Court rulings on issues related to homosexuality. Smith said Clinton indirectly helped overturn the Colorado law by appointing Ruth Bader Ginsberg and Stephen Breyer to the Supreme Court.

While Tafel argued that Dole would appoint moderate justices with philosophies more akin to Sandra Day O'Connor's than the conservative Antonin Scalia's, Paras and Smith suggested Dole would be beholden to the Christian Coalition if he were to win the presidency.

"It's important to understand," Smith said, "that we're really going



Lambda Legal Defense and Education Fund, Inc.

Marriage Project: *Legal and Economic Protections*

Although many lesbian and gay couples are in long-term relationships, and undertake responsibilities toward one another just as married couples do, they are denied the vast array of legal, economic, and practical protections that married couples enjoy. Among these are the rights to:

- ▶ obtain such government benefits as **Social Security** and **Medicare**;
- ▶ file joint **tax** returns and get special marriage or family rates or exemptions;
- ▶ have joint **parenting, adoption, foster care, custody, and visitation**;
- ▶ obtain joint **insurance** policies for **home and auto**, as well as **family health** coverage;
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- ▶ enter jointly into **rental leases** with automatic renewal rights;
- ▶ the automatic right to make **medical decisions** on a partner's behalf in the event of illness;
- ▶ choose a **final resting place** for a deceased partner;
- ▶ take **bereavement** or **sick leave** to care for partner or child;
- ▶ receive spousal exemptions to **property tax** increases upon the death of a partner;
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- ▶ apply for **immigration** and residency for partners from other countries;
- ▶ obtain **domestic violence** protection orders;
- ▶ **visit** a partner or child in the **hospital**, and other public institutions.

In total, there are hundreds of legal rights and responsibilities that come with civil marriage. Most of these protections cannot be privately arranged or contracted through other means, even for those who can afford a lawyer. Furthermore, private employers, banks, and other businesses often extend important benefits and privileges—such as special rates or memberships—to married couples only.

Gay people are moved by the same mix of personal, economic, and practical reasons as non-gay people, who take for granted the right to choose whether and whom to marry. Denying equal marriage rights not only deprives same-sex couples of the social and emotional significance that marriage holds for many, it also deprives them of legal and economic protections that can be essential to their livelihood.



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E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

11-Jul-1996 02:40pm

TO: Richard Socarides

FROM: Marilyn Yager
 Office of Public Liaison

SUBJECT: LAWMAKERS HURL INSULTS ON EVE OF PLANNED HOUSE VOTE ON ...

Date: 07/11/96 Time: 14:12

GLawmakers Hurl Insults On Eve Of Planned House Vote On Gay-Marriage

WASHINGTON (AP) Members of Congress traded insults Thursday, accusing each other of bigotry and being soft on family values a day before the House planned to vote on a bill that would reject gay marriage in federal law.

President Clinton joined the fray by repeating assurances that he opposes discrimination against any group of Americans. But he nevertheless will sign the bill, the White House said, because he "has long opposed same-sex marriage."

House debate was scheduled to resume Friday on the bill, which would define marriage as a legal union between one man and one woman.

Its sponsor, Rep. Bob Barr, R-Ga., said the bill wouldn't block any state from legalizing gay marriages, but other states would have the authority to reject their validity.

Married gay couples would remain ineligible for Social Security payments, Medicare and any other federal benefit reserved for heterosexual couples.

Some opponents believe states already have the power to reject gay marriages performed out of state. And Democrats have said the bill was timed to whip up anti-gay passions only months before this year's presidential election.

"Red herrings are flying fast and furious," Barr said from the House floor Thursday. Marriage is "under direct assault by homosexual extremists all across this country."

"This bill ... is an absolute outrage," said Rep. Patricia Schroeder, D-Colo. "If you think there isn't enough hate and polarization in American, you're going to love this bill."

Conservatives in the House and the Senate say the legislation is needed to blunt the effects of a gay rights case that could lead Hawaii to become the first state to grant gays the right to marry.

If that happens, the Constitution may require other states to recognize gay marriages performed in Hawaii. The case is scheduled to go to trial in September.

"There are some values that deserve protection," said Sen. Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee.

"It isn't a political issue. ... It's a very important family values issue."

Critics of an identical bill introduced in the Senate by Sen. Don Nickles, R-Okla., called it thinly disguised bigotry during a public hearing before the Senate Judiciary Committee.

"I regret that the committee is spending time on this offensive, unnecessary and divisive legislation," Sen. Edward Kennedy, D-Mass., said. "The bill before us is called the Defense of Marriage Act, but a more accurate title would be the Defense of Intolerance Act or even more accurately, the Defense of Endangered Republican Candidates Act."

But Gary Bauer, president of the conservative Family Research Council, denied being bigoted. "It is not hatred to support normalcy," he said.

Kennedy also believes the bill is unconstitutional, saying some scholars have concluded that Congress does not have the authority to nullify the effect of one state's laws in other states.

Kennedy, Sen. Joseph Lieberman, D-Conn., and Sen. James M. Jeffords, R-Vermont, plan to introduce an amendment that would add a measure prohibiting job discrimination against gays to the bill.

"Some good came still come out of this bad bill," Kennedy said.

But Nickles said he would oppose that idea, saying he didn't want to force an employer like the Boy Scouts of America to hire homosexuals or required a landlord to rent apartments to gays.

APNP-07-11-96 1418EDT

CAMPAIGN '96

Clinton's Double-Digit Bandwagon

President Quietly Signs Law Aimed at Gay Marriages

By Peter Baker
Washington Post Staff Writer

President Clinton waited until the dead of night yesterday to sign legislation aimed at preventing gay marriages, timing his action to minimize public attention and contain any political damage just 45 days before the election.

There was no surprise in Clinton's approval of the Republican-sponsored measure, for he had previously announced his intentions. But the unusual gambit of waiting until 12:50 a.m. to put pen to parchment spoke volumes about the electoral consequences attached to the issue.

For Clinton, the first president to openly court gay voters and embrace their agenda, the bill posed a double dilemma. On the one hand, he did not want Republicans to maneuver him out of the mainstream at a time when polls show that the public does not sanction same-sex weddings. On the other, he hoped to avoid exacerbating bitterness in the gay community, which considers his signature a betrayal.

The delicate balance Clinton tried to achieve was reflected in his dual message yesterday: Even as he signed the bill, the White House scorned it as a divisive GOP ploy and called for passage of legislation ensuring gay rights in the workplace.

"He did it at midnight because that's when it deserved to be signed," said deputy press secretary Mary Ellen Glynn. "The reasons the bill was brought to a vote were dubious."

Rep. Robert L. Barr (R-Ga.), who introduced the House bill, denied that politics motivated his proposal and derided Clinton's mixed messages in signing it yesterday. "It's sort of typical Clinton double-

speak," he said. "It leaves the country wondering whether he's really committed to it."

Gay rights leaders said they appreciated Clinton's attempts to soften the blow, but were not mollified. "I'm angry," said Elizabeth Birch, executive director of the Human Rights Campaign, which has endorsed Clinton for reelection. "I wanted President Clinton to act with the highest moral leadership and he has not here. It is an unheroic move."

The Defense of Marriage Act, as sponsors called it, does not actually ban marriage between two men or two women, which is not legal anywhere in the United States anyway. Instead, it foresees the day when one or more states may authorize such partnerships and stipulates that no other state would have to recognize their validity. It also formally defines marriage in federal law as the union of a man and a woman, thus preventing gay couples from sharing benefits such as Social Security.

Congress passed it with huge bipartisan majorities more than a week ago, but GOP leaders held off sending it to the White House until Friday afternoon.

With Clinton jetting across the country on the last leg of a four-day campaign swing, the White House decided to have him sign it after his late-night return to Washington, on the cusp of a weekend—when news coverage is typically lightest.

On other campaign fronts yesterday, Clinton and Republican Robert J. Dole used their weekly radio broadcasts to debate the best approach to solving health care problems.

Clinton hailed measures advanced by congressional leaders last week requiring insurers to let mothers of newborn babies stay in the hospital for at least 48 hours and

to provide similar insurance coverage for mental illness as for physical maladies.

"When it comes to improving health care, we are finally moving on the right track," the president said. He later added: "This week's agreement shows what we can accomplish when we set aside rigid agendas, put aside partisanship and work together."

In his broadcast response, Dole issued a blistering assault on Clinton's unpopular health care overhaul plan that died on Capitol Hill in 1994. Dole revived assertions that the plan would have resulted in 17 new taxes, 50 new federal bureaucracies and \$1.5 trillion in government spending.

"This is a textbook example of a liberal in action: new programs and bigger government paid for by higher and higher taxes," Dole said. "And the president said last year that the era of big government is over—his words are not matched by his actions."

Dole predicted that first lady Hillary Rodham Clinton would try to revive the plan if her husband wins reelection, quoting her as saying recently that it was "still the right model."

Questions about Hillary Clinton's role, always a touchstone for controversy, arose again Friday night when the president said on television that he wants her to work on welfare reform in a second term. During an interview with both Clintons on ABC's "20/20," the president told Barbara Walters that he would ask his wife to help implement recent legislation requiring able-bodied recipients to work.

"When I signed the bill, I said it was the beginning, not the end, and I think the real advocates of children, including the first lady, have to weigh in here," he said. "I think the business people will listen to her, I think child advocates will listen to her, I think that people at the state level will."

instance, showed that Clinton's battle with tobacco companies might be helping Republican Sen. Jesse Helms. In other places, states dependent on tobacco or simply more conservative than Clinton, a number of Democratic incumbents and challengers are still keeping their distance.

In a battle for a key open House seat in Southside Virginia, for example, Democrat Virgil H. Goode Jr. does little to hide his disdain for Clinton and his assault on tobacco, even as Republican George C. Landrith III paints him as a Clinton clone. Last month in Republican-leaning Nebraska, Democratic Gov. Ben Nelson, running for the Senate, pub-

licly declined to endorse Clinton before reluctantly saying several days later that he will vote for the president.

Republican strategists, who enjoyed great success "morphing" local Democrats into Clinton in 1994 brochures and television ads, insist that the linkage will still prove damaging for Clinton's down-ticket running mates.

"They're fooling themselves," said Craig Veith of the National Republican Congressional Committee. "He's still morphable because he's had so many incredibly bad positions on issues. . . . Our candidates can tie their members of Congress to the administration in voting for the largest tax increase in history."

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Clinton to sign bill on same-sex unions

Ban to be enacted in wee hours today

By Warren P. Strobel
THE WASHINGTON TIMES

BRANDON, South Dakota — President Clinton, taking a highly controversial action literally in the dark of night, was expected to signed a measure early this morning denying legal status to same-sex "marriages."

Mr. Clinton's action was sure to enrage members of the homosexual community, many of whom were strong supporters in 1992 but have soured as the president abandoned aggressive backing for gay rights.

Thus he planned to put his signature on the measure without any ceremony in the early-morning hours after returning to Washington from four days of campaigning.

"Throughout my life I have strenuously opposed discrimination of any kind, including discrimination against gay and lesbian Americans," the president said in a statement released here, his last stop on a six-state campaign tour.

"I 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," he said.

Mr. Clinton had said for some time that he would sign the measure into law if it came to him.

Asked about the timing of the president's action, White House spokesman Michael McCurry said, "The motives behind this bill are dubious, and the president believes the sooner he gets this out of the way, the better."

The bill bars the federal government from recognizing same-sex unions, and it defines "marriage"

as a union between one man and one woman. It allows each state to determine its own policy regarding same-sex "marriage."

The legal status of such unions is being tested in a much-watched court case in Hawaii.

Mr. Clinton has complained publicly that the measure is a Republican attempt to drive a political wedge between him and the homosexual community, and his aides have made little secret of his distaste for it.

Yet the president felt he had no choice politically but to sign the bill, formally called the Defense of Marriage Act, or face GOP attacks that he was out of step with mainstream values.

Mr. Clinton said during the 1992 campaign that he was opposed to legal status for same-sex "marriages." Last night, in the statement, he said: "I have long opposed governmental recognition of same-gender marriages, and this legislation is consistent with that position."

The president also urged the Congress to pass next year a measure strongly sought by homosexuals, the Employment Non-Discrimination Act, which would give the federal government powers to prohibit discrimination against homosexuals in the workplace. That measure failed by a single vote to pass the Senate this year.

Homosexual-rights advocates nonetheless are likely to be outraged by Mr. Clinton's action. They had promised to protest outside the White House when the president signed the bill.

For homosexuals, legal status for same-sex "marriage" is largely a financial matter, allowing them access to survivors' benefits and a partner's medical health insurance.



Larry Greene (left)

Race Plaintiffs

SANTA MONICA The issue of race jury selection for civil wrongful-death as the defense plaintiffs of trying excluded from the

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E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

22-Sep-1996 00:02am

FROM: Doug.Case

SUBJECT: AP: Clinton Signs DOMA

The ASSOCIATED PRESS

By TERENCE HUNT

AP White House Correspondent

BRANDON, S.D. (AP) -- President Clinton announced his signing of a bill outlawing homosexual marriages Friday but said it should not be used as an excuse for discrimination, violence or intimidation against gays and lesbians.

The controversial measure was approved by Congress amid charges of gay-bashing and White House assertions that Republicans were trying to put Clinton on the spot. Many homosexuals were outraged by Clinton's decision to accept the bill.

The late-night announcement of Clinton's action -- well after the evening news broadcasts -- raised questions about the timing of his move. "The president believes that the motives of this bill are dubious and he wants to get it over with as soon as possible," White House press secretary Mike McCurry said.

In a statement issued during a campaign stop here, Clinton said he has long opposed governmental recognition of same-sex marriages. He said the bill he was signing "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," Clinton said, hoping to blunt criticism from the gay community. "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."

He urged Congress to pass the Employment Non-Discrimination Act, which failed in the Senate this year by one vote. The measure would extend employment discrimination protections to gays and lesbians in the workplace.

"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," the president said.

"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."

Despite the announcement of his signature, the measure actually was waiting for the president on his return to the White House in the pre-dawn hours of Saturday. Clinton planned to sign it as soon as he returned, McCurry said.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

22-Sep-1996 02:00am

FROM: Doug. Case

SUBJECT: Reuter DOMA-signing story

Reuter

WASHINGTON (Sept. 21) - Acting in the dead of night, President Clinton early Saturday banned the federal government from recognizing a marriage between members of the same sex by signing into law a bill he had not wanted to see land on his desk.

Clinton put his signature to the law after midnight upon returning to the White House from a four-day, cross-country campaign swing. A White House aide had prepared the paperwork Friday night while Clinton was still out of town.

In a written statement issued during a campaign stop in South Dakota, the president said he was signing the legislation because he has "long opposed governmental recognition of same-gender marriages and this legislation is consistent with that position."

His signing of the bill was likely to spark protests from gay groups whose support he counted on to win election in 1992. During his re-election campaign this year, the political calculation seemed to be that gays would still support him- because many do not consider legalizing same-sex marriages their top priority.

Steve Michael, president of the local Washington chapter of the national AIDS activist group ACT UP, blasted Clinton's decision and said it would cost him the votes of gay and lesbian voters in the Nov. 5 election.

"It is clear by his middle of the night stealth vote that Clinton knows what he is doing is wrong," Michael said. "We will remember his betrayal on Nov. 5."

The White House considered the legislation an attempt by Republicans to make gay rights an election-year issue.

White House spokesman Mike McCurry said Clinton was signing it late at night because "the president believes the motives behind this bill are dubious and the president believes that the sooner he gets this over with, the better."

The bill, approved earlier this month by the Republican-led Congress, was passed out of fears that a pending court case in Hawaii would set a precedent for legalizing gay and lesbian marriages.

No state legally recognizes marriage between two people of the same sex.

The law recognizes each state's right to determine its own policy with respect to same-sex marriages and clarifies for purposes of federal law that a marriage is between a man and a woman.

Clinton said his signing of the law "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."

At the same time, Clinton praised the Republican Congress for efforts toward approving a guarantee of longer hospital stays for new mothers and requiring more equitable treatment of mental-health benefits under private health insurance plans.

House and Senate negotiators approved the plans Thursday and final enactment could come next week.

The longer hospital stays for new mothers -- 48 hours for normal deliveries, 96 hours for Caesarean sections -- were driven by complaints from many families that insurance companies will only pay for a woman to remain in the hospital for 24 hours after giving birth.

The mental health provision would provide much more generous spending benefits for people suffering from serious mental illnesses. Insurance plans providing mental-health coverage would have to set the same cap for yearly and lifetime coverage for these benefits as for medical and surgical services.

Seeking election-year credit for the legislation, Clinton pointed out he had repeatedly urged Congress to take these steps and said it was evidence of health care reforms he has desired.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 10, 1996
(Senate)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 3396 - Defense of Marriage Act
(Barr (R) Georgia and 117 cosponsors)

The President strongly opposes discrimination against any group of Americans, including gay and lesbian individuals, and he supports legislation to outlaw such discrimination in the workplace.

The President, however, has long opposed same sex marriage. Therefore, if H.R. 3396 were presented to the President as passed by the House of Representatives, the President would sign the legislation.

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