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Same Sex Marriage

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Same-Sex Marriage

6/7/96

guidance prior to
8-1-96 under filename

Same-Sex Marriage

pitch?

Same Sex Marriage

June 7, 1996

The President is opposed to same sex marriage. Marriage is an institution for the union of a man and a woman. This has been the longstanding position of the President and it is not being reviewed or reconsidered.

Drafted: MEGLynn

Cleared: From interview with the Advocate

5/24/96

Written by Jeremy -

OK'd

Same-Sex Marriage 5/24/96
by GS + Moush +
Counsisff.

GAY MARRIAGE

Q: Yesterday, Mike McCurry said that the gay marriage bill in Congress has two provisions. Today, the President said that he is willing to sign the bill because it does only one thing. How do you explain this discrepancy?

A: The bill has two key provisions. The first, which the President expressly mentioned today, reiterates that states are not required by the Full Faith and Credit Clause to recognize a gay marriage that is legal in another state. The second provision, which the President also referred to in substance, provides that for purposes of federal law, marriage refers only to a union between a man and a woman. As Mike McCurry said, both of these provisions are consistent with the President's opposition to gay marriage. Thus, as Mr. McCurry said, if the pending bill were presented in its present form, the President would sign it.

Q: Doesn't the bill do more than the President said?

A: No. The bill has two parts and both of them were covered by the President's remarks.

Drafted by Jeremy BenAmi 65589
Cleared by George Stephanopoulos

Same-Sex Marriage
5/15/96

Gay Marriage
May 15, 1996

Mike FYI --

- Richard Soceridies and Marsha Scott called from the Hill to say that Andy Fois, Assistant Attorney General at the Justice Department, has sent a letter to Rep. Hyde indicating DOJ believed that the gay marriage legislation HR 3396 would be sustained as constitutional if a legal challenge were raised against it.
- This was a routine letter sent in response to a routine request for testimony. In determining that a constitutional challenge to the legislation would not be sustained, the department concluded that there were no issues which necessitated an appearance by a member of DOJ at today's hearing.

If asked about this letter Marsha and Richard would like to you respond:

This was a routine letter sent in response to a routine request for testimony. You should check with the Department of Justice for further information on this decision.

Letter attached

Drafted: Kathy McKiernan



U. S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

May 14, 1996

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Attorney General has referred your letter of May 9, 1996 to this office for a response. We appreciate your inviting the Department to send a representative to appear and testify on Wednesday, May 22 at a hearing before the Subcommittee on the Constitution concerning H.R. 3396, the Defense of Marriage Act. We understand that the date of the Hearing has now been moved forward to May 15.

H.R. 3396 contains two principal provisions. One would essentially provide that no state would be required to give legal effect to a decision by another state to treat as a marriage a relationship between persons of the same sex. The other section would essentially provide that for purposes of federal laws and regulations, the term "marriage" includes only unions between one man and one woman and that the term "spouse" refers only to a person of the opposite sex who is a husband or a wife.

The Department of Justice believes that H.R. 3396 would be sustained as constitutional, and that there are no legal issues raised by H.R. 3396 that necessitate an appearance by a representative of the Department.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Charles T. Canady
The Honorable John Conyers, Jr.
The Honorable Barney Frank