

## **Extent**

112 folders, approximately 5,016 pages

## **Summary**

President Clinton signed the Defense of Marriage Act (DOMA) into law on September 21, 1996. The Act declared that no state shall be required to recognize a same-gender marriage performed in another state. DOMA also defined marriage as only between a man and a woman for purposes of Federal law. This collection consists of files and email accounts from the White House staff related to The Defense of Marriage Act. The collection also contains records related to Hawaii Supreme Court's *Baehrs vs. Lewin*, and California's Proposition 22. The collection consists of clippings, emails, letters, memoranda, notes, press releases, and talking points concerning DOMA, same sex marriage, and domestic partnerships.

## **Scope and Content Note**

The materials in FOIA 2013-0028-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials. This collection also contains clippings discussing the issue of same-sex marriage. Invitations to same sex commitment ceremonies are also included. Pamphlets and press releases from gay rights advocates, along with statements from legal scholars and religious leaders, also concern gay marriage. Reports regarding same-sex marriage include "Sexual Orientation and the Law, Devlin Revisited" and a General Accounting Office report on Federal benefits, rights, and responsibilities associated with marriage. Letters and memoranda from the Department of Justice, legal experts, Members of Congress, state government officials, and White House staff concern same-sex marriage and DOMA. Mail analysis materials on DOMA, including form letters on the topic of same-sex marriage, are also included in this collection. Press releases and talking points from gay rights advocates, political leaders, religious organizations, and the White House describe

same-sex marriages and DOMA. The collection also contains memoranda from gay rights advocates, such as the Human Rights Campaign and Lambda Legal Defense and Education Fund, discussing DOMA. Statements and talking points regard President Clinton's signing of DOMA. Congressional statements also discuss issues pertaining to DOMA, such as amendments. The collection contains email from the Automated Records Management System and Tape Restoration Project System concerning the DOMA, same sex marriage, and domestic partnerships. The description of the email collections responsive to this FOIA request widely mirrors the description provided for staff and office files.

### **Biographical Note**

In 1993, the Hawaii Supreme Court reached a ruling in *Baehrs vs. Lewin* that was more favorable to state level recognition of same-sex marriage. The possibility of gay marriage in the United States was followed by both state and federal legislative efforts concerning the role of gender in marriage. The federal government's Defense of Marriage Act (DOMA) was one such effort. A September 20, 1996 statement delivered by President Clinton addressed DOMA. In this statement, the President described his intent to sign DOMA by saying "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." After DOMA passed through Congress with large majorities, President Clinton signed it into law on September 21, 1996. The Act declared that no state shall be required to recognize a same-gender marriage performed in another state. DOMA also defined marriage as only between a man and a woman for purposes of Federal law. Later legislative efforts also occurred on the state level. California Proposition 22 aimed to limit marriage to opposite-sex relationships. In remarks made on March 3, 2000, President Clinton opposed the proposition on grounds of it being both unnecessary and divisive. Materials responsive to this request and located in the Subject Files consist of clippings, emails, letters, memoranda, notes, press releases, and talking points. Clippings and notes regard California's Proposition 22, a ballot initiative that limited marriage to heterosexuals in 2000. Emails from lawyers, local government officials, and state officials concern the inclusion of gays in American society and

also the Defense of Marriage Act (DOMA). Letters to President Clinton from citizens (including lawyers, local government officials, members of gay and lesbian rights organizations, religious leaders, and state government officials) concern DOMA. Letters also describe President Clinton's reply to concerned citizens. Memoranda, primarily to President Clinton from White House staff, concern gay marriage, anti-gay marriage legislation, and the Employment Non-Discrimination Act. Staff and Office Files also contain material relevant to this request, including articles, clippings, invitations, letters, mail analysis, memoranda, notes, pamphlets, press releases, reports, statements, and talking points. Many materials relate to legislative efforts before and after the Defense of Marriage Act (DOMA). Clippings, talking points, and reports (namely the State of Hawaii's "Report on Sexual Orientation and the Law"), describe issues with same-sex marriage in Hawaii around 1993. Articles, talking points, and reports (namely the "Governor's Commission on the Rights and Responsibilities of Same-Sex Relationships" Report) discuss a 1995 Supreme Court ruling concerning Colorado's constitution and the rights of homosexuals. Articles, clippings, and memoranda concern the Virginia Housing Development Authority's stance on gay households in early 1996. Letters and talking points discuss California Proposition 22, which limited marriage to man-woman relationships in 2000.

## **Record Type**

Textual

## **System of Arrangement**

Records that are responsive to this FOIA request were found in these collection areas - Clinton Presidential Records: White House Office of Records Management (WHORM) Subject Files, Clinton Presidential Records: White House Staff and Office Files, Clinton Presidential Records: Automated Records Management System [Email], and Clinton Presidential Records: Tape Restoration Project [Email]. The White House Office of Records Management (WHORM) contains a variety of series created to organize and track documents and correspondence. The WHORM Subject file was compiled by the White House Office of Records Management and is a series of categories designated by a letter/number combination. Staff and Office Files were maintained at the folder level by staff members within their individual offices and

document all levels of administration activity. WHORM files are processed at the document level; whereas, Staff and Office files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area. FOIA 2013-0028-F includes WHORM records from these subject codes: CO0068 Guatemala, Republic of HU010 Equality PP010-03 Election - Nomination - Primaries (Message Received) PU001-07 Clippings to the President WE012 Family The Automated Records Management System (ARMS) is a database that contains email records of the Executive Office of the President. This system maintained unclassified Presidential email. The ARMS dataset is comprised of 6 sub-series of email records called "Buckets." The buckets include NPR, OPD, POTUS, WHO, CEA, and Default. ARMS emails are printed and arranged chronologically by creation date. The Tape Restoration Project (TRP) is a database consisting of restored emails from the Automated Records Management System from July 1994 through June of 2000. The TRP is a database that contains email records of the Executive Office of the President.

## **Access**

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 USC 2201) and the Freedom of Information Act (FOIA) (5 USC 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

## **Copyright**

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (17 USC, 101) which governs the making of photocopies or other reproductions of copyrighted material.

## **Provenance**

Official records of William Jefferson Clinton's presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

**Processed by**

Staff Archivist, 2013. Previously restricted materials are added as they are released.

**Last Modified Date**

2015-03-03

**Container List**

**[View all digitized files in the National Archives Catalog \(NAC\)](#)**

The following is a list of documents and folders processed in response to FOIA 2013-0028-F:

Box 1

Clinton Presidential Records: WHORM: Subject File

Category Case Number

CO0068 202578

HU010 160517SS

HU010 160955SS

HU010 166143SS

HU010 167521SS

HU010 168680

HU010 169834

HU010 170315

HU010 170365

HU010 171201

HU010 178598

HU010 185382SS

HU010 187332

Clinton Presidential Records: WHORM: Subject File

Category Case Number

HU010 187509

HU010 187564

HU010 236829

HU010 236897

HU010 244824

HU010 290720

HU010 406506

HU010 408020

PP010-03 198670

PU001-07 401496

WE012 213477

Clinton Presidential Records: White House Staff and Office Files

Chief of Staff

Ickes, Harold

Gay Marriages - General [OA/ID 9157]

Stephanopoulos, George

Anti-Gay Marriage Bill / Same Sex Marriage [OA/ID 8034]

Homosexual / Same Sex Marriage [OA/ID 8025]

[Letter and Supplementary Information regarding Same-Sex Marriage]

[OA/ID 10172]

Clerk's Office

September 21, 1996 [Defense of Marriage Act] [OA/ID 15575]

Box 2

Correspondence

Roddick, Trudy

Presidential Correspondence Mail Analysis Book Twelve = P-314 - P-320

[binder] [1] [OA/ID 19951]

Clinton Presidential Records: White House Staff and Office Files (continued

Correspondence

Roddick, Trudy

Presidential Correspondence Mail Analysis Book Twelve = P-314 - P-320

[binder] [2] [OA/ID 19951]

Presidential Correspondence Mail Analysis Book Twelve = P-314 - P-320

[binder] [3] [OA/ID 19951]

Presidential Correspondence Mail Analysis Book Twelve = P-314 - P-320

[binder] [4] [OA/ID 19951]

Presidential Correspondence Mail Analysis Book Twelve = P-314 - P-320

[binder] [5] [OA/ID 19951]

Presidential Correspondence Mail Analysis Book Twelve = P-314 - P-320

[binder] [6] [OA/ID 19951]

Presidential Correspondence Mail Analysis Book Twelve = P-314 - P-320

[binder] [7] [OA/ID 19951]

Van Auken, Kelley

Same-Sex Marriage Background [1] [OA/ID 18016]

Same-Sex Marriage Background [2] [OA/ID 18016]

Box 3

Clinton Presidential Records: White House Staff and Office Files

Counsel's Office

Gay Marriage 96 [OA/ID CF 857]

Krislov, Marvin; Neuwirth, Steve

Same Sex Marriage: [Articles] [Folder 1] [loose] [OA/ID 8190]

Same Sex Marriage: [Articles] [Folder 2] [loose] [OA/ID 8190]

Same Sex Marriage: Caselaw [OA/ID 8190]

Same Sex Marriage: [Email] [loose] [OA/ID 8190]

Same Sex Marriage: Law Review [OA/ID 8190]

Same Sex Marriage: [Marriage Rights Projects] [OA/ID 8190]

Same Sex Marriage: [Memoranda] [loose] [OA/ID 8190]

Same Sex Marriage: News Clips [OA/ID 8190]

Same Sex Marriage: Report of the Commission on Sexual Orientation and the Law [Folder 1] [1] [OA/ID 8190]

Same Sex Marriage: Report of the Commission on Sexual Orientation and the Law [Folder 1] [2] [OA/ID 8190]

Same Sex Marriage: Report of the Commission on Sexual Orientation and the Law [Folder 2] [1] [OA/ID 8190]

Same Sex Marriage: Report of the Commission on Sexual Orientation and the Law [Folder 2] [2] [OA/ID 8190]

Same Sex Marriage: VHPA [Virginia Housing Development Authority] [OA/ID 8190]

Box 4

Clinton Presidential Records: White House Staff and Office Files

Counsel's Office

Lindsey, Bruce

Gay Marriage Legislation [OA/ID 19518]

Clinton Presidential Records: White House Staff and Office Files (continued)

Counsel's Office

Neuwirth, Steve

Gay Marriage [1] [OA/ID 9532]

Gay Marriage [2] [OA/ID 9532]

Gay Marriage [3] [OA/ID 9532]

Gay Marriage [4] [OA/ID 9532]

Gay Marriage [5] [OA/ID 9532]

Gay Marriage [6] [OA/ID 9532]

Gay Marriage [7] [OA/ID 9532]

Gay Marriage [8] [OA/ID 9532]

Oetken, Paul

DOMA [Defense of Marriage Act] / California Proposition 22 [OA/ID 40298]

Wallman, Kathleen

Gay Marriages [OA/ID CF 849]

Domestic Policy Council

Ben-Ami, Jeremy

Subject Files

Gay Marriage [OA/ID 103144]

Intergovernmental Affairs

Hart, John

Same Sex Marriage [OA/ID 9730]

Legislative Affairs

Ricchetti, Steve

H.R. [House of Representatives] 3396 Gay Marriages [OA/ID 11574]

Box 5

Clinton Presidential Records: White House Staff and Office Files

National AIDS Policy Office

Montoya, Daniel

Presidential Advisory Council on HIV/AIDS, September 1996 DOMA [Defense of Marriage Act] - Final Draft [OA/ID 21092]

Oval Office Operations

General Files

Gay Marriage Talking Points [OA/ID 5950]

Press Secretary

Same Sex Marriage [OA/ID 10079]

Public Liaison

Herman, Alexis; Moy, Ruby

September 3 1996 Memo for Alexis Herman from George Stephanopoulos and Richard Socarides Same-Sex Marriage [OA/ID 9870]

Potter, Julian

Defense of Marriage Act [OA/ID 18043]

DO [Defense of] Marriage Act [1] [OA/ID 18043]

DO [Defense of] Marriage Act [2] [OA/ID 18043]

DO [Defense of] Marriage Act [3] [OA/ID 18043]

DOMA [Defense of Marriage Act] [OA/ID 18043]

ENDA [Employment Non-Discrimination Act] / DOMA [Defense of Marriage Act] Vote [OA/ID 18043]

Clinton Presidential Records: White House Staff and Office Files (continued)

Public Liaison

Potter, Julian

G/L [Gay/Lesbian] Marriage Hawaii [OA/ID 18043]

Gay Marriage [OA/ID 18043]

Marriage [Folder 1] [OA/ID 18043]

Marriage [Folder 2] [OA/ID 18043]

Scott, Marsha

Gay Marriage Issue [OA/ID 8411]

Jack Quinn Memo on Gay Marriage - 04/08/1996 [OA/ID 8411]

POTUS Talking Points on Gay Marriage for 03/29 Coffee [OA/ID 8411]

Speechwriting

Waldman, Michael

Misc. 96 Speeches: Defense of Marriage Signing - 9/20/96 [OA/ID 14438]

Box 6

Clinton Presidential Records: Automated Records Management System [Email]

WHO [OA/ID 500000]

[Same Gender Marriage]

[12/17/1999 - 05/24/2000]

OPD [OA/ID 250000]

[Defense of Marriage or DOMA]

[10/13/1999 - 04/27/2000]

[08/12/1996]

WHO [OA/ID 500000]

[Defense of Marriage or DOMA]

[05/10/1996 - 07/12/1996]

[07/12/1996 - 09/22/1997]

[01/29/1998 - 07/30/1999]

[09/21/1999 - 09/28/2000]

Default [OA/ID 1100000]

[Defense of Marriage or DOMA]

[05/22/1996 - 09/09/1996]

[09/11/1996 - 12/22/1998]

OPD [OA/ID 250000]

[Same Sex Marriage or Unions]

[05/23/1996 - 05/09/2000]

WHO [OA/ID 500000]

[Same Sex Marriage or Unions]

[02/28/1996 - 09/21/1999]

Box 7

Clinton Presidential Records: Automated Records Management System [Email]

(continued)

WHO [OA/ID 500000]

[Same Sex Marriage or Unions]

[10/16/1999 - 03/01/2000]

[03/02/2000 - 05/15/2000]

[06/09/2000 - 01/03/2001]

CEA [OA/ID 950000]

[Same Sex Marriage or Unions]

[12/06/1999]

Default [OA/ID 1100000]

[Same Sex Marriage or Unions]

[07/11/1996 - 12/21/1999]

OPD [OA/ID 500000]

[Domestic Partners]

[08/27/1998 - 05/02/2000]

WHO [OA/ID 500000]

[Domestic Partners]

[12/19/1995 - 09/30/1999]

[10/26/1999 - 01/12/2000]

[02/09/2000 - 10/04/2000]

CEA [OA/ID 950000]

[Domestic Partners]

[11/21/1997/1997 - 05/23/2000]

Default [OA/ID 1100000]

[Domestic Partners]

[01/14/1997]

OPD [OA/ID 250000]

[Gay Marriage]

[01/11/2000]

WHO [OA/ID 500000]

[Gay Marriage]

[11/27/1995 - 11/13/2000]

Clinton Presidential Records: Tape Restoration Project [Email]

WHO [OA/ID 500000]

[Defense of Marriage or DOMA]

[07/29/1998]

Clinton Presidential Records: Tape Restoration Project [Email] (continued)

Default [OA/ID 1100000]

[Defense of Marriage or DOMA]

[06/24/1998 - 11/12/1998]

WHO [OA/ID 500000]

[Same Sex Marriage or Unions]

[09/21/1999]

WHO [OA/ID 500000]

[Domestic Partners]

[01/23/1997]

[Content Available Online](#)