



Written by [Dave Bohon](#) on March 14, 2011

Boehner Says House Will Defend Marriage Law in Federal Court

Two weeks after President Obama ordered the Justice Department to stop defending the Defense of Marriage Act (DOMA), a bi-partisan House leadership panel has voted 3-2 to defend the law in federal court. The marriage defense law, which passed by an overwhelming majority in both houses of Congress and was signed by President Clinton in 1996, defines marriage for federal purposes as between a man and a woman and protects states from being required to recognize same-sex partnerships as marriage.



On February 23, after two challenges to the law were filed with the 2nd U.S. Court of Appeals, President Obama finally gave up all pretense of upholding traditional marriage, announcing through Press Secretary Jay Carney that the Justice Department would no longer defend the law in federal court. Carney explained that “the President directed the attorney general not to defend because of the decision that it is not constitutional....”

In a statement announcing the decision by the House leadership to defend DOMA in federal court, House Speaker John Boehner (pictured above, R-Ohio) said,

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It is regrettable that the Obama Administration has opened this divisive issue at a time when Americans want their leaders to focus on jobs and the challenges facing our economy. The constitutionality of this law should be determined by the courts — not by the President unilaterally — and this action by the House will ensure the matter is addressed in a manner consistent with our Constitution.

The five-member Bipartisan Legal Advisory Group, the majority of which voted for the defense, is made up of Speaker Boehner (R-Ohio), Majority Leader Eric Cantor (R-Va.), Majority Whip Kevin McCarthy (R-Calif.), Minority Leader Nancy Pelosi (D-Calif.), and Minority Whip Steny Hoyer (D-Md.).

Representative McCarthy expressed his own support for the move “in light of President Obama’s decision to shirk his constitutional responsibility to defend this law that has been on the books for 14 years. The decision to abdicate responsibility by the Department of Justice and the intervention by the House will ultimately allow for some of the best lawyers in the country to defend the law.”

Representative Pelosi, who along with Representative Hoyer cast the only two votes against defending DOMA, was quick to condemn the move, declaring in a prepared statement:

Aside from standing up for a discriminatory law and failing to focus on jobs and the economy, this action places Republicans squarely on the wrong side of history and progress. In addition, this decision will burden the staff and monetary resources of the Office of the General Counsel, and



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given the complexity of these cases and the number of courts involved, it is likely this will cost the House hundreds of thousands of taxpayer dollars.

Tony Perkins of the [Family Research Council](#), which has been a consistent voice for traditional marriage over the past half-dozen years, said that Boehner's decision to move ahead with defending DOMA would send "a bold message that Congress will not stand idly while the President picks and chooses which laws will be nullified by Executive Branch surrender to antagonistic litigants."

Noting that traditional marriage has been effectively defended in court and overwhelmingly supported by the American people, Perkins declared that Obama's decision to back off from his responsibility would mean that the law could now receive the defense it deserves. "Until now, this statute ... has only received an anemic defense by the Obama Justice Department," Perkins pointed out. "That falls far short of the vigorous and intelligent effort that the federal definition of marriage and American families deserve." He concluded:

We urge the federal courts to recognize these legitimate governmental interests, preserve the traditional understanding of marriage as the union of one man and one woman, and safeguard the right of the people to enact legislation defining the public institution of marriage.

[Baptist Press News](#) noted that the federal lawsuits — which prompted the President to order the Justice Department to back off its responsibility to defend DOMA — target only the portion of the law that defines marriage for federal purposes as between a man and a woman. "The other half of DOMA gives states the option of not recognizing another state's 'gay marriages,'" the Christian news source pointed out. "Obama, though, has made clear he opposes the law, and a March 2 story in the *Los Angeles Times* said that homosexual groups are ready to target the entire law if they win the current cases. If the entire act is overruled, then pro-traditional marriage laws on the state level likely would be overturned" — which would ultimately force all 50 states to recognize homosexual marriage.



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