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Boehner: House likely to defend anti-gay marriage law since Justice Dept. won't

By Michael O'Brien - 02/28/11 07:18 AM ET

The House is likely to take steps to defend the Defense of Marriage Act (DOMA), House Speaker John Boehner (R-Ohio) said in an interview posted Monday.

Boehner, the leader of the Republican-held House, said he and his members are considering a number of options to defend DOMA after President Obama ordered the Justice Department to stop defending the 1990s law in court.



"I'd be very surprised if the House didn't decide that they were going to defend the law," Boehner [said on "The Brody File"](#) of the Christian Broadcasting Network.

Obama last week asked Attorney General Eric Holder to cease defending the DOMA from court challenges after concluding it was unconstitutional. The law allows states and the federal government to refuse to recognize same-sex marriages and civil unions conducted in other states.

The administration's decision angered some Republicans, especially social conservatives, who accused Obama of overstepping his bounds as president in order to placate gay and lesbian supporters. Boehner joined in that chorus, accusing the president of "raw politics" on the issue.

"It strikes me as something that's just as raw politics as anything I've seen, knowing that a lot of people who believe in DOMA are probably not likely to vote for him and pandering to the other side on this issue," Boehner said.

When the White House announced its decision last week, it left open the possibility that Congress, or individual members, **could take action to defend DOMA** where the administration will not. The Speaker said that option, among others, were "on the table."

The Speaker said that appointing a counsel to represent the House and argue for DOMA in court, **as former Sen. Rick Santorum (R-Pa.) has demanded**, is "being considered." He also said that passing a new law or some other resolution are under consideration, and lawmakers will decide how to proceed by the end of this week.

"It's happened before where administrations have decided they weren't going to go out and vigorously defend a law that Congress passed, but I really am disappointed in the president in his actions," Boehner said. "But if the president won't lead, if the president won't defend DOMA, then you'll see the House of Representatives defend our actions in passing a bill that frankly passed overwhelmingly."



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