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Boehner Launches Effort to Defend Gay Marriage Ban

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If President Obama will no longer defend the federal law against gay marriage, Republicans controlling the U.S. House say they will.

House Speaker John Boehner said Friday he is convening a bipartisan legal advisory group to defend the Defense of Marriage Act, which defines marriage as a union between a man and a woman.

Boehner's announcement comes a week after the Obama Justice Department said it would no longer defend the law signed by President Bill Clinton in 1996, a reversal for the Obama administration, which had defended it despite the president's misgivings with the policy. The nation's lawyers as recently as last month had filed a court motion in support of the law.

Attorney General Eric Holder has said that the Justice Department would continue to enforce the law but no longer would defend its constitutionality in court challenges.

"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," Boehner said in a statement. "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 bipartisan legal advisory group, a five-member panel, can instruct the House's non-partisan general counsel to take legal action on behalf of the chamber. The panel would include Boehner, 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.

Boehner said he was convening the panel "for the purpose of initiating action by the House to defend this law." But there was no immediate indication of specifically what action it would direct or when the group would meet.

Democrats on the panel were unlikely to support any defense of the law. Pelosi has lauded Obama's decision to stop defending it as a "victory for civil rights, fairness and equality." On Friday, she criticized Boehner's move as a costly burden on House staff.

"This is nothing more than a distraction from our most pressing challenges," such as creating jobs and reducing the federal deficit, she said.

The White House declined to comment on Boehner's announcement.

The law's supporters applauded the new House speaker, saying constitutionality should be decided by the courts and not by the president.

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"With the House intervening, we will finally get lawyers in that courtroom who are trying to win this," said Brian Brown, president of the National Organization for Marriage.

The law's opponents said Boehner's action amounted to pandering to the GOP's conservative base at the expense of gays and lesbians.

House Republicans have "now shown they're more interested in scoring cheap political points on the backs of same-sex couples than tackling real problems," said Human Rights Campaign President Joe Solmonese.

The Defense of Marriage Act prevents the federal government from recognizing gay marriages and allows states to deny recognition of same-sex unions performed elsewhere. It's been used by federal officials to justify excluding gay couples from a range of benefits available to heterosexual couples.

Gay marriage is legal in some states. Still other states recognize civil unions, but not marriage, between partners of the same sex. California's Proposition 8 has been ruled unconstitutional by a federal court.

Meanwhile, 30 states have constitutional amendments banning gay marriage.

The Associated Press contributed to this report.

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