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Categories: Miscellaneous

## **GOP may seek DOMA defense money from Justice Department**

Two Republican House members signaled Tuesday that they might seek to take money from the Department of Justice budget in order to fund the House of Representatives' defense of the Defense of Marriage Act in the courts.

Early in a House budget hearing Tuesday, Rep. Jo Bonner (R-Ala.) casually asked Attorney General Eric Holder how much money the department would save by not defending several lawsuits and appeals challenging the law banning federal recognition of same-sex marriages.

"I'm not sure we save any money, frankly," Holder told a House Appropriations subcommittee. "The people who would be defending the statute, were we to do that, are career employees of the Department of Justice...I'm not sure I see any savings."

The import of Bonner's query wasn't entirely clear until later in the hearing when Rep. Steve Austria (R-Ohio) indicated that the House might try to take that money to pay for lawyers to take up where the Justice Department is leaving off.

"If this practice continues, the Legislative Branch will have no choice but to start defending the federal statute itself," Austria said. "We're actually looking at ways now how to respond to that. I know that there are suggestions that whatever dollars are being used right now by the Department of Justice to be moved to whatever area whether it be the Legislative Branch attorneys to defend Congress's statute."

Last week, President Barack Obama said he'd instructed Holder not to defend the 1996 law further because the Justice Department believes

DOMA should be subjected to heightened scrutiny under the Constitution and can't plausibly be justified in the face of that standard.

Asked Tuesday whether that stance generated any dissent within the department, Holder hinted that it had, though he would not reveal any details. "I generally don't discuss internal Justice Department conversations but I can say we certainly had a fulsome conversation about this decision. All sides were heard," the attorney general said with a knowing smile.

It's unclear how a defunding of the Justice Department to pay for the defense of DOMA would work in practice. Aside from the difficulty of figuring out how much Justice would have spent on the cases, it's unlikely the Senate would go along with such a move. House leaders have said they hope to have a decision by Friday on what to do about DOMA.

In an interview last week, former House Speaker and potential 2012 GOP presidential contender Newt **Gingrich suggested that the House "zero out" funding** (<http://thinkprogress.org/2011/02/25/gingrich-doma/>) for the Attorney General until the administration again agrees to defend the law.

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Posted by Josh Gerstein 11:38 PM

**Tags: Budget, Defense Of Marriage Act, Gay Rights, House Appropriations Committee, Same-Sex Marriage**

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