

## ***Lesbian/Gay Law Notes***

March 2011

### **Obama Administration Declines to Defend Constitutionality of Section 3 of the Defense of Marriage Act**



Facing an imminent deadline on March 11 to file either an answer or a motion to dismiss in two lawsuits challenging the constitutionality of Section 3 of the Defense of Marriage Act pending in federal district courts in New York and Connecticut, which necessarily meant taking a position on the level of judicial scrutiny to be applied to a law that discriminates based on sexual orientation within a circuit (the 2nd Circuit) that has no established precedent on the issue, the Department of Justice (DOJ) and President Obama have agreed that a "heightened scrutiny" standard should apply and that under this standard Section 3 is unconstitutional. Read more about this ongoing case in the March publication of *Lesbian/Gay Law Notes*.

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*Lesbian/Gay Law Notes*, a publication of the Lesbian and Gay Law Association of Greater New York, reports on lesbian/gay and AIDS related legal developments. The Justice Action Center is proud to offer online hosting of current and archival issues of *LGLN*.

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