
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*.

To view the current issue, or to view past issues of *Lesbian/Gay Law Notes*, visit us at www.nyls.edu/jac and click "Publications" and then "Lesbian/Gay Law Notes" on the left-hand navigation bar. To go directly to the *Lesbian/Gay Law Notes* page, [click here](#).

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*.

Justice Action Center
New York Law School
www.nyls.edu/jac

[Forward email](#)



Justice Action Center | New York Law School | 57 Worth Street | New York | NY | 10013