



Report: Obama administration to file brief against Proposition 8

By Jillian Rayfield February 28, 2013

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Report: Obama administration to file brief against Proposition 8 (Credit: AP)

The Obama administration will reportedly file a brief in opposition to California's ban on gay marriage known as Proposition 8.

NBC News cited "administration officials" who say that the White House will argue that the Supreme Court should uphold a ruling by a lower court striking down the law, on the grounds that it violates the 14th Amendment.

From NBC News:

After first suggesting it would not get involved, the Obama Administration will file a friend-of-the-court brief late today in support of the two gay couples who launched the fight over the issue four years ago, the officials said. Today is the last day for filing briefs in support of the couples' position.

The administration last year signaled it might stay on the sidelines. In May, when President Obama first said that "same-sex couples should be able to get married," he added that it was not a matter for the federal government.

The Supreme Court is taking up the case in late March, and will first decide whether supporters of Proposition 8 have standing in the case. If they do, the Court will then rule on the merits.

The Court is also considering a challenge to the Defense of Marriage Act, the ban on same-sex marriages for the purposes of receiving federal benefits. The Obama administration announced in February 2011 that it would no longer defend DOMA in court, but House Republicans elected to continue on with the defense through the Bipartisan Legal Advisory Group.

On Thursday, 13 states will also file briefs with the Supreme Court arguing that Proposition 8 is unconstitutional. Fifteen will file briefs in opposition to DOMA on Friday. Other groups, like the libertarian Cato Institute and the liberal Constitutional Accountability Center, have filed similar briefs this week in opposition to both laws.

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