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Gay Groups' Myopia

Michael Sean Winters | Jan. 14, 2011 Distinctly Catholic

Several gay rights organizations [1]are upset that the Justice Department has filed a brief, a somewhat lukewarm brief but a brief nonetheless, in defense of the Defense of Marriage Act (DOMA). They note, correctly, that as a candidate, President Obama opposed DOMA and advocated for its repeal. But, a campaign promise is not an oath, and the President's oath of office requires him and the Justice Department to defend federal laws. Gay rights groups are free to argue that DOMA should be repealed, although given the outcome of last year's election, I do not imagine the new House will put such repeal at the top of their to-do list. But, criticizing the President, who just went to the mat to repeal Don't Ask; Don't Tell, is bizarre and myopic. Do they really want to set the precedent that a President can choose which laws to enforce and which to ignore? The leaders of these groups should watch the movie "Frost/Nixon." The climax of the interviews on which the movie was based came when Richard Nixon opined that if the President does something, that makes it legal. It was a shocking, authoritarian claim, one that reeks of Caesar more than it does of the Constitution. To be clear: Gay rights groups that want Obama to ignore DOMA are asking him to become another Nixon. He is well advised to ignore their advice.

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[1] http://www.politico.com/blogs/bensmith/0111/Gay_groups_criticize_Justice_Department_brief.html?showall