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Oregon Won't Defend State's Ban On Gay Marriage

by EYDER PERALTA

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Saying the state's ban on gay marriage could not withstand a federal constitutional challenge, Oregon's attorney general said they will no longer defend the ban in court.

The Oregonian reports that Attorney General Ellen Rosenblum made the announcement in a brief filed in U.S. District Court in Eugene, where the voter-approved 2004 amendment is being challenged.

"State Defendants will not defend the Oregon ban on same-sex marriage in this litigation," Rosenblum wrote. "Rather, they will take the position in their summary judgment briefing that the ban cannot withstand a federal constitutional challenge under any standard of review. In the meantime, as the State Defendants are legally obligated to enforce the Oregon Constitution's ban on same-sex marriage, they will continue to do so unless and until this Court grants the relief sought by the plaintiffs."

This decision is very similar to the one taken last month by Virginia Attorney General Mark Herring, who said that the state's law violates Virginians' rights.

As we reported, the Virginia case is making its way through the court system, as are ones from Utah and Oklahoma. The expectation is that the Supreme Court will at some point pick one or a few of them to make a broad decision on the constitutionality of state bans on gay marriage.

gay marriage