

Idaho's legal defense of gay marriage ban totals \$715,000

By KIMBERLEE KRUESI, Associated Press

BOISE, Idaho (AP) — Idaho's losing legal battle to defend the state's ban on same-sex marriage has cost taxpayers roughly \$715,000, making it one of the more expensive failed cases compared with similar losses in nearby states.

Gov. C.L. "Butch" Otter and other top elected officials on Friday unanimously approved paying \$34,000 from the state's Constitutional Defense Fund to cover the remaining attorney fees and court costs.

The state has already paid \$628,000 to attorneys representing the four lesbian couples who sued Idaho over the state's same-sex marriage ban, plus another \$53,000 to a private law firm hired to represent Idaho in the case.

The amount is greater than what has been paid so far by surrounding states that were ordered to cover attorney fees and court costs after failing to uphold same-sex marriage bans. In 2014, Utah paid \$95,000 and Oregon paid \$133,000 to the winning plaintiffs. Nevada paid \$615,000 in October, and Alaska shelled out \$128,000 in April.

Other states with higher bills than Idaho include Michigan, which was ordered to pay \$1.9 million, and Ohio, which paid \$1.3 million.

"(Legal fees) really depend on a variety of things," said Idaho Attorney General Lawrence Wasden. "It depends on the complexity of the litigation, the kinds of motions that are made and what the rate is for various offices. The court is who makes that determination, so you have to take that all into account."

Earlier this year, Wasden was the lone dissenting vote in the Constitutional Defense Council's decision to approve paying \$53,000 for outside counsel to appeal the state's gay marriage case to the 9th U.S. Circuit Court of Appeals and U.S. Supreme Court. Wasden said his office was well-equipped to handle the cases and it was unnecessary to pay the high price of private attorneys.

"There were some interesting additions," Wasden said Friday.

Gay marriage became legal in Idaho in late 2014 after the 9th Circuit upheld a federal judge's ruling in May that declared Idaho's same-sex marriage ban violated the U.S. Constitution.

The Constitutional Defense Fund was created in 1995 to defend the state's legal rights against the federal government. Since its inception, it has only been involved in one winning case. There's currently around \$230,000 remaining in the account. Member of the Constitutional Defense Council, which approves expenditures from the fund, include Otter, Wasden, House Speaker Scott Bedke and Senate Pro Tem Brent Hill.

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