

# THURSDAY, JANUARY 7, 2010

# Cato Institute Chairman makes the constitutional case for same-sex marriage

GREAT NATION DESERVES THE TRUT

Posted by Joe Sudbay (DC) at 10:28 AM

The Chairman of the Cato Institute, the libertarian think tank, has an op-ed in today's New York Daily News making the case for same-sex marriage. Robert Levy argues the Courts must apply the "strict scrutiny" standard to the issue:

To pass constitutional muster, racial discrimination had to survive "strict scrutiny" by the courts. Government had to demonstrate a compelling need for its regulations, show they would be effective and narrowly craft the rules so they didn't sweep more broadly than necessary. That same regime should apply when government discriminates based on gender preference.

No compelling reason has been proffered for sanctioning heterosexual but not homosexual marriages. Nor is a ban on gay marriage a close fit for attaining the goals cited by proponents of such bans. If the goal, for example, is to strengthen the institution of marriage, a more effective step might be to bar no-fault divorce and premarital cohabitation. If the goal is to ensure procreation, then infertile and aged couples should be precluded from marriage.

His conclusion is quite powerful:

Yet our politicians, unwilling to privatize marriage, seem congenitally unable to extricate themselves from our most intimate relationships. One would hope, in the coming months and years, that more enlightened federal and state legislators will have the courage and decency to resist morally abhorrent and constitutionally suspect restrictions based on sexual orientation. Gay couples are entitled to the same legal rights and the same respect and dignity accorded to all Americans.

This is helpful. It's always good to have allies from what is viewed as the other side make our case. It's like having Ted Olson arguing the case against Prop. 8 in California.

☐ | Facebook | Reddit | Digg | StumbleUpon | Twitter Labels: Marriage



#### AMERICABLOG READER PETS



Send us your pet's photo to include: ablogphotos@gmail.com



# fight global warming.com

Ad

environmental defense

HOT COFF THE WIRE

Not kidding: Rudy Giuliani said "We had no domestic attacks under Bush; we've had one under Obama." - Joe Sudbay (DC)

Unemployment rates stays at 10% - Joe Sudbay (DC)

Republican leader Steele tells Republican critics: Shut up - Joe Sudbay (DC)

Friday Morning Open Thread - Joe Sudbay (DC)

France pressing forward to burka ban - Chris in Paris

LGBT TWEETS

#### GAY NEWS & OPINION

Towleroad AP: Federal Prop 8 Challenge Could Set Legal Precedent for Years 15 minutes ago

Joe. My. God. Buju Banton Pleads Not Guilty 32 minutes ago

**Pam's House Blend** Rush: health care is cheap for uninsured since most 'can afford a pretty expansive media room' 1 hour ago

Rod 2.0 Reid Asks Bloomberg Not to Support Anti-Gay Harold Ford Jr for Senate 1 hour ago

Good As You Gerald 'gays are doing violence to marriage' Cardinale: Vote on ring fingers, not teeth 1 hour ago

Holy Bullies and **Headless Monsters** From 'Fistgate' to 'NAMBLA-gate' - The

attacks on Kevin Jennings get stranger and stranger 2 hours ago

Bilerico Michael Cera's "Youth in Revolt" Premiere & My First Red Carpet! 2 hours ago

**David Mixner** 

Harold Ford For New York Senator? Hell No! 4 hours ago

**Truth Wins Out** BREAKING: According to Ugandan Cabinet Member, Government May Withdraw Anti-Gay Bill 8 hours ago

Dan Savage's Slog Gay Bashing in South Seattle 13 hours ago

Show All

GAY CULTURE & GOSSIP

Queerty

The Good Romance Between Lady Gaga and Boy George 18 minutes ago

Perez Hilton Stephen King Goes Country 32 minutes ago

kenneth in the (212) Oh, Daddy!

32 minutes ago

After Elton John Barrowman

Concedes the Big Gay Battle Like Only John Barrowman Can 1 hour ago

boy culture

Don't Ask Don't Give Take the pledge.

Here's why.

SEARCH

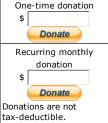
AMERICAblog Gay C Web

Search

SITES WE LIKE

365gay.com Air America Radio Alan Colmes' blog Ari Melber (The Nation) Bay Area Reporter . Bay Windows Ben Smith BicycleMark's blog & podcast Bilerico Bring It On Crooks and Liars DailyKos Dallas Voice Dan Savage's "Slog" Daou Report . David Mixner Democratic Underground Eschaton Ezra Klein Fire Dog Lake FiveThirtyEight.com Freeway Blogger The Gavel (Speaker Pelosi's blog) Good As You Glenn Greenwald Holy Bullies and Headless Monsters Huffington Post Hullabaloo (Digby) Jack and Jill Politics Jed Report Jesus' General Kenneth in the 212 Margaret and Helen Matthew Gross Media Matters Mike Signorile's "The Gist" Mudflats MyDD Open Left Pam's House Blend Plum Line Political Punch (Jake Tapper) Political Wire Politics 1 Pop Surfing Queers United RawStory Rex Wockner Rude Pundit Slap Upside the Head Seattle Gay News Smirking Chimp Talk Left Tapped Taylor Marsh Think Progress TowleRoad VetVoice.com Washington Note WayneBesen.com

PLEASE SUPPORT AMERICABLOG



ABOUT US

What is **AMERICAblog Gay?** We're the gay civil rights section of the AMERICAblog News political site.

What issues do you cover? Gay politics from a local, national and international

persepctive. Who are you?

John Aravosis Editor Washington, DC

Joe Sudbay Deputy Editor Washington, DC

Liz Newcomb Contributor West Hollywood, CA

Timothy Beauchamp Contributor Tulsa, OK

LABELS

# Select a label

BLOG ARCHIVE

**2010** (42)

January (42)

► 8 (2) **7** (8)

Uganda Cabinet Member Says Anti-Gav Bill May Be Wi... Rep. Mark Kirk denies rival's allegation that he i... In New Jersey: "Our side is going back to court to. Marriage defeated in New Jersey Senate Livestream of the New Jersey State Senate Everything but the girl... Cato Institute Chairman makes the constitutional c... Marriage vote today in New



4evrmomof4 I nominate @adamlambert for a Shorty Award in #lgbt because he is so honest and true to himself! http://bit.ly/shorty 33 minutes ago

Fiftyheadidprnc I nominate କ @adamlambert for a Shorty Award in #lgbt because he is a clear example of an honest and out celebrity. http://bit.ly/shorty 29 minutes ago

brianwinfield1 EQFL mourns the loss of LGBT rights spokeswoman & mother of murder victim, Denise King http://ow.ly/UdiD 28 minutes ago

## twitter

Join the conversation

### AMERICABLOG TV





Best pilot for a failed TV show, ever





I collect with 😣 vodpod

Visit our AMERICAblog TV site.

Next 6 see all 625 videos >

sitemeter.....

© 2010 - John Aravosis | Design maintenance by Jason Rosenbaum

Send me your tips: americablog@starpower.net