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Cato's Constitutional Case for Gay Marriage

On February 23, 2012, by Reason Magazine



Our friends at the Cato Institute have produced this new video, which is particularly relevant given the goings-on in Maryland, where the state Senate has passed a gay marriage bill that will be signed into law by Gov. Martin O'Malley.

Here's the Cato write-up for the vid, which features the great David Boaz, along with super-lawyers Ted Olson and David Boies:

On June 12, 1967, the U.S. Supreme Court struck down bans on interracial marriage in more than a dozen states in the case of *Loving v. Virginia*. Today, the highest court in the United States may soon take on the issue of marriage equality for gay and lesbian relationships. Attorneys David Boies and Theodore B. Olson are hoping the case of *Perry v. Schwarzenegger* will further establish marriage as a fundamental right of citizenship. Also featured are John Podesta, President of the Center for American Progress, Cato Institute Chairman Robert A. Levy and Cato Executive Vice President David Boaz.

Video produced by Caleb O. Brown and Austin Bragg. Event footage shot by Evan Banks.

And in case you missed Reason's gay marriage vid from yesterday, here it is:



With Washington state recently [legalizing same-sex unions](#) and [Maryland about to follow suit](#), gay marriage hasn't been on this big a roll since Bert and Ernie first shacked up on *Sesame Street*. When Maryland finalizes its bill, seven states and the District of Columbia will sanction the practice.

But before you bust out the appletinis and Indigo Girls CDs to celebrate, consider that just last year in Maryland - a deep-blue, Democratic-majority state when it comes to politics - gay marriage went down faster than George Michael in a public restroom due to resistance from socially conservative African Americans in the Democratic Party. Indeed, while 71 percent of white Democrats in the Old Line State favor gay marriage, [just 41 percent](#) of black Democrats do.

So what's different this time around? [Democratic Gov. Martin O'Malley](#) and other pro-marriage legislators took a page from [New York's gay playbook](#) and reached around to sympathetic Republicans to seal the deal.

Inconceivable even a generation ago, gay marriage is well on its way [to becoming mainstream](#) as a growing majority of Americans now favor it. The only question is when, not if, folks such as Maryland residents Justin and Phillip Terry-Smith will join heterosexuals in the joys of getting married - and divorced - happily ever after.

About 2.30 minutes. Produced by Joshua Swain. Written by Nick Gillespie and Kennedy, who also hosts.