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Forging a Gay Mainstream.

# Making the Case for Equality

by Stephen H. Miller on [May 20, 2011](#)

This week the libertarian Cato Institute sponsored a forum titled “The Case for Marriage Equality,” with David Boies and Ted Olson, the lawyers in the American Foundation for Equal Rights challenge to California’s Proposition 8. The forum also included Bob Levy of the Cato Institute and John Podesta of the Center for American Progress, co-chairs of AFER’s Advisory Board. You can view the complete video, [posted here](#).



If you watch nothing else, watch the last 3 minutes of the video, with Ted Olson’s moving final remarks, [here](#). Olson was George W. Bush’s solicitor general, and famously squared off against Boies in *Bush v. Gore*.

As the Cato Institute’s Executive Vice President David Boaz points out in his introductory remarks, [here](#), last year federal district judge Vaughn Walker ruled that Prop. 8 unconstitutionally burdens a fundamental right to marry, singles gays and lesbians out for different and unequal treatment under the law, and violates the Due Process and Equal Protection clauses of the Constitution. (Boaz also ribs Chad Griffin, founder of the American Foundation for Equal Rights, “Aren’t you glad that the NAACP, the National Organization for Women, the Human Rights Campaign, the National Gay & Lesbian Task Force and Nancy Pelosi were unable to block Judge Walker’s nomination?” (as they tried to do when Ronald Reagan put him on the court).

You can also find audio podcasts of separate interviews with Ted Olson and David Boies [here](#). And Rick Sincere reported on the event for Examiner.com, [here](#).

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