



CPAC 2016: A conservative dialogue on marriage equality and religious liberty

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The Conservative Political Action Committee (CPAC)'s second day of activism included a panel discussion called "Dearly Beloved: A Conversation on Religious Liberty and Marriage in America".

Radio host, Townhall political editor, and author Guy Benson; Heritage Foundation fellow Ryan Anderson; Federalist columnist Mollie Hemingway; and CATO Institute senior fellow Ilya Shapiro sat down with Alex Swoyer of Breitbart in an almost packed hall to discuss the state of the conservative movement in light of the recent Supreme Court decision in *Obergefell v. Hodges*, which made same-sex marriage the law in all 50 states.

Opinions at CPAC have ebbed and flowed on the issue of same-sex marriage. In 2013, Politico wrote that CPAC and conservatives were mostly silent on the gay marriage issue. In 2015, the Competitive Enterprise Institute (CEI) sponsored a "Rainbow on the Right" forum during that year's conference featuring National Review's Jonah Goldberg, GOProud president Jimmy LaSalvia, Washington Post columnist Jennifer Rubin, Margaret Hoover, and libertarian strategist Liz Mair. The event was mostly attended by the media, as it appeared that few participants had the stomach for it; apparently neither did the panelist.

Once the Court ruled on *Obergefell*, the nature of the topic changed entirely.

This CPAC panel seemed to have fully embraced the reality that *Obergefell* is the law of the land, but acknowledged that it has opened up new areas of discussion and activism.

Benson, who is a gay conservative, thanked CPAC for finally being able to have this discussion. "I think it takes courage, leadership, and vision to bring it to the forefront."

Benson asked the audience where they stood on gay marriage. By a show of hands, the room was split for or against, with a few who were agnostic or unsure on the subject.

“I think there was ample representation across the spectrum there that shows we as conservatives can and should discuss this issue,” Benson said.

The Cato Institute’s Shapiro, who has fought on the issue from the perspective that the state should not be involved in the business of marriage at all said, “Kennedy did a disservice to all of us, whatever side of the issue you’re on.”

The Heritage Foundation’s Anderson agreed: “There’s nothing in the U.S. Constitution that speaks to the question of same-sex marriage. There’s nothing in the Constitution that speaks to the question of, ‘Is marriage a conjugal union of husband and wife, mother and father, male and female?’ Or, ‘Is it simply the union of two—but only two—consenting adults?’ Anthony Kennedy’s opinion didn’t answer that question one way or another. It might be nice poetry and philosophy of marriage. I personally find it a very poor philosophical reflection on what marriage is, and I don’t think the court had any authority whatsoever to impose a new definition of marriage on all 50 states.”

Benson interjected that he was “deeply moved” in reading Justice Kennedy’s opinion. “I find myself at an interesting position of agreeing with the decision or being personally gratified with the outcome, but having some concerns about how the court reached the decision.”

The Federalist’s Hemingway once sided with Shapiro that the federal government had no business dealing in marriage, but her views have since shifted. “I came to realize that in the real world that is just not something that can be accomplished, and particularly because of the entire reason why marriage has been treated so specially by governments across all time and space and through all cultures. Which is, that when men and women get together sexually there is a natural byproduct—that’s a horrible way to put it—but there’s a natural end toward that union which is children. And children are the ones who have not been a part of this conversation at all; how it affects children is something that is very important.”

Her response received resounding applause.

Hemingway also spoke to the importance and benefit of the panel discussion. “One of the things I like is, when I had a different position than people who were opposed to redefining marriage, they didn’t say that I was this awful person, they didn’t call me names, they just tried to reason with me. And eventually, that made a difference for me. So if you are open minded and you can have these conversations, we can come to agreement or disagreement, but we can do it civilly.”

Benson pointed out that this was not so with the Left. “This conversation that we are having right now, literally couldn’t happen at a Left-wing conference because we all would be hounded off the stage and booed, because half of us are holding the position that Barack Obama and Hillary Clinton held about four seconds ago. So, I think that this speaks well of our movement and poorly on their movement, that they have done a heel turn on the issue, and they are hounding heretics ruthlessly from their midst, to the point that if you’re a Democrat if you’re Liberal, and

you might hold traditional views on marriage, you probably don't want to talk about it very much for fear of the wrath and judgment of your fellow so-called open-minded leftists."

In his book, "Truth Overruled: The Future of Marriage and Religious Freedom," Anderson argued the court "overruled the truth about marriage. Simply based on a 5-4 vote where five unelected judges have no greater insight into the truth about marriage."

Shapiro agreed, "It's about equal protection. We're all in favor of equality; we want the law to treat all marriages equally. What we disagree about is what sort of relationship is a marriage."

Anderson concluded, "so the people should have voted to answer that question, not unelected judges."

All the panelists then moved to the unleashing of Pandora's Box: The attacks on religious liberty and rights of conscientious that are a result of the Supreme Court's ruling. They were unified on this being the new conservative battleground.

"What we need to do now is work together to say, now that the court has redefined marriage, what can we do to protect the rights of conscientious of people, whether they are charities, and schools, or small businesses, or government employees," Anderson said. "And it's going to be a variety of measures. Ilya [Shapiro] believes the private sector has absolute protections. I believe the public sector is going to be a balancing test."

Hemingway spoke against the "crushing of dissent at a very tiny, local level. People who run flower shops, people who run bakeries. And they're being targeted not even just by the law, but by a media environment that is just on a rampage. And that concerns me, because there are all sorts of ways that we can work together."

Shapiro interrupted, "It's not like the gay couple that wants flowers or photography has no recourse if this particular vendor does not service them. Why does this particular one need to be forced to bend to the will of the state? Beyond even the religious issue, there's a free speech personal issue that I have filed briefs on as well."

These conservative voices, who at one time were on opposite sides of the same-sex marriage debate, are now united and engaged in discussing how all conservatives can band together to protect individuals and small businesses targeted for their conscientious objection to this new normal.

"Ilya's willing to engage in this debate," Anderson said. "He doesn't think it's a debate between his side and bigots and idiots. And so as a result, Ilya is also willing to protect my freedom now to live in accordance with my beliefs."

"I want to praise Guy and Ilya to say, we are in favor of gay marriage; we're not in favor of crushing people who continue to believe marriage is a union between husband and wife."

Benson again pointed to the blatant hypocrisy of the Left, and their desire to now squash any dissent: “You guys have seen the ‘Coexist’ bumper stickers that they love on the Left? It’s like a little morality billboard on your fender to demonstrate what a wonderfully good person you are to fellow motorists. What does coexistence authentically look like in modern America? What coexistence really looks like in America today is disagreeing with someone on marriage and not trying to sue their business out of existence because they disagree. Right?”

Hemingway interjected, “It speaks to what it means to be in a tolerant society in general. I think people forget toleration assumes disagreement. You don’t tolerate people you agree with, you agree with them. You tolerate people you disagree with. So it’s okay to disagree, how we manage that disagreement is extremely important for who we are as a people and what we’re trying to influence here.”

Benson continued, “I think one of the most potent, and powerful, and effective, and successful arguments that people who support same-sex marriage have advanced for many years is, look: this is our love, this is our marriage, it will not affect you in any way. And then, once the political high ground was achieved, that argument of winning hearts and minds seems to have gone out the window in some quarters, certainly not all. To say, uh huh, now agree with us, or else. Mandatory celebration or we come after you. And that is where I say, No thank you, I am not aboard that train any more.”

No all conservative hearts and minds will be changed to one side or the other, but people are now thinking differently and deeply on the matter.

“We have just begun a very long discussion, Hemingway said. “It’s not about your own religious views, it’s about respecting the religious views of others.”

Benson agreed, “The new central front in the cultural war is the religious liberty issue.

“From a conservative perspective, I am alarmed at the deterioration of marriage among young people. Gay people are not ruining marriage. Straight people have ruined marriage in a lot of ways through rampant infidelity or no fault divorce. It’s not the gays that are ruining it. I think spending so much time on fixating on whether or not three percent of the population should be excluded from this is a mistake. I think we should be encouraging the family unit, and monogamy, and commitment as conservatives. One of the reasons that I support same-sex marriage, and I think there’s a lot of people who will agree with me.”

Anderson concurred that, “Heterosexuals made a mess of marriage, but immediately redefining marriage will further exacerbate this mess.

“Where we agree is that we have to protect religious liberty and the rights of conscience. Even while we disagree on marriage, and we will continue to disagree on marriage, we have to respect the place, the space, to have that disagreement. “

Shapiro compared another culturally consequential Supreme Court decision, *Roe v. Wade*, with *Obergefell*. “Marriage is different from abortion because there is no third party being harmed in a same-sex marriage. So this politically is going to play out differently than abortion. The real battleground is not going to be about marriage, that’s pretty much is done. The real battleground is these other religious liberty and freedom of conscious issues more generally. That is where the real battleground is going to be as the illiberal Left tries to impose their views on all of us.”