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CPAC 2016: Conservatives find common ground on same-sex marriage

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The traditionalist and libertarian wings of the conservative movement have long disagreed on the issue of gay marriage, but an ideologically diverse panel at the Conservative Political Action Conference on Thursday was able to find common cause amid the fault lines.

Townhall.com's Guy Benson and the Cato Institute's Ilya Shapiro, both of whom support same-sex marriage, broke with liberals on whether dissenters should be forced to accommodate same-sex weddings such as by baking cakes, taking pictures or performing ceremonies.

"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," Mr. Benson said at the Gaylord National Resort Convention Center in National Harbor, Maryland.

Mr. Benson said the pro-gay-marriage mantra has become "agree with us or else, mandatory celebration or we're going after you."

"And that is where I say, no thank you, I am not aboard this train any more," he said.

The Heritage Foundation's Ryan Anderson, who opposes same-sex marriage, said the next front of the marriage debate will concern the religious liberty of dissenters. He encouraged states to pass proactive protections for organizations that may be coerced into violating their consciences.

"Michigan passed a bill that took care of adoption agencies," said Mr. Anderson, who wrote "Truth Overruled: The Future of Marriage and Religious Freedom" after the Obergefell v. Hodges decision legalizing same-sex marriage last year. "They said if marriage is redefined, we won't force the Catholic charity adoption agencies to be shut down."

Mollie Hemingway, a senior editor at The Federalist who opposes same-sex marriage, said tolerance for disagreement is the hallmark of a free society.

"People forget toleration assumes disagreement. You don't tolerate people you agree with — you agree with them," Ms. Hemingway said. "You tolerate people you disagree with. It's OK to disagree. How we handle that disagreement is extremely important for who we are as a people and what we're trying to aim for in terms of our virtues."

The proponents of same-sex marriage on the panel were also critical of Supreme Court Justice Anthony Kennedy for his decision in Obergefell, saying his legal argument for redefining marriage lacked merit.

"I was not entirely sure it was sound legal reasoning," Mr. Benson said. "And so I find myself in 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."

Mr. Shapiro concurred that the Kennedy was "right for the wrong reasons."

"The opinion is not a legal opinion," Mr. Shapiro said. "It's poetic, it's interesting, there's some sociology, some history, some whatever else and that's not law. And I think Kennedy did a disservice to all of us, whatever side of the issue you're on, by writing it that way."

Ms. Hemingway said the debate over same-sex marriage is far from settled, pointing to the burgeoning debate over abortion despite the Supreme Court ruling in *Roe v. Wade*. "And we know that nobody has ever disagreed about abortion since 1973," she said.