

TO: Judiciary Committee
FROM: Marion Miner, Associate Director of Pro-Life and Family Policy
Nebraska Catholic Conference
DATE: March 1, 2023
RE: LB316 (Change and Eliminate Provisions Relating to Marriage) (Oppose)

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public.

The Conference opposes LB316 because it would engrave in statute a mistaken view of the reason the state recognizes, supports, and solemnizes marriage as a public good. Marriage and family are the foundation and “basic building block” of society. Getting marriage wrong has large-scale consequences and entrenching those mistakes in statute only deepens the effects.

There are two principal ideas today about what marriage is—a conjugal view and a much newer revisionist view. The revisionist view of *Obergefell v. Hodges* (2015) deems marriage a public recognition of a committed relationship between consenting adults for their fulfillment. These commitments can be deeply meaningful, but it is a very recent thing to claim they can constitute a marriage relationship where there is no capacity for sexual complementarity. In this revisionist view, what distinguishes marriage from other relationships is its unique emotional intensity.

The conjugal view of marriage, often called “traditional,” calls for a permanent and exclusive union between a man and a woman with each other and any children born from their sexual union. Sex between men and women often results in children, “and for these new and highly dependent people [children], there is no path to physical, moral, and cultural maturity without a long and delicate process of ongoing care and supervision—one to which men and women typically bring different strengths, and for which they are better suited the more closely related they are to the children.”¹ It is for the sake of children, who have a right to their mother and father unless unavoidable tragedy makes it dangerous or impossible, that makes marriage unique among relationships and a public good that the state should recognize and support.

LB316 would, as a matter of state public policy, abandon the conjugal view of marriage for a revisionist one, making very clear by its changes that the state’s view of marriage has no link to sexual relationship and the welfare of the children that can result from it—in other words, to the very reason for marriage. As I said last year in opposition to LB745, opposition to LB316 may seem quixotic or like simple contrarianism to some given the ruling of *Obergefell* eight years ago, but marriage is so fundamentally important that resistance to codifying that mistaken decision is imperative. We respectfully urge your opposition to LB316.

¹ Girgis, Anderson, and George, *What is Marriage?* (New York: Encounter Books, 2012), 38.