



TO: Judiciary Committee  
FROM: Tom Venzor, Executive Director  
Nebraska Catholic Conference  
DATE: February 26, 2021  
RE: LB167 (Religion Is Essential Act) (Support)

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.

LB167 would serve as an important contribution to our state's protections for religious liberty. This legislation ensures that religious organizations are not unjustly discriminated against during a state of emergency through the unequal imposition of health and safety standards.

The COVID-19 pandemic has underscored and revealed numerous strengths within our families, schools, organizations, businesses, health care system, and government, to list just a few areas. In particular for the Catholic Church, our parishes, schools, and charitable agencies have continued their service to God and neighbor under stressful circumstances.<sup>1</sup>

Unfortunately, the pandemic has also revealed weaknesses, including in our constitutional order and its regard for religious liberty. Across the country, there have been challenges against health and safety guidelines implemented in an uneven manner against religious organizations.<sup>2</sup> The United States Supreme Court has taken up two notable cases on this topic, ruling favorably for religious liberty claimants.<sup>3</sup>

This situation raises the need for vigilance in our own state regarding religious liberty, which the United States Conference of Catholic Bishops has called "our first, most cherished liberty."<sup>4</sup>

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<sup>1</sup> See, e.g., Nick McConnell, "Lincoln charities help out with rent, utilities during COVID-19," *Lincoln Journal Star* (May 25, 2020), available at [https://journalstar.com/news/local/lincoln-charities-help-out-with-rent-utilities-during-covid-19/article\\_486fbfca-a1a3-51a0-b271-14ba3ddca1f7.html](https://journalstar.com/news/local/lincoln-charities-help-out-with-rent-utilities-during-covid-19/article_486fbfca-a1a3-51a0-b271-14ba3ddca1f7.html) (last accessed on Feb. 25, 2021); Margaret Reist, "Catholic schools in Nebraska hit hard by pandemic but fare better than schools nationally," *Lincoln Journal Star* (Feb. 21, 2021), available at [https://journalstar.com/news/local/education/catholic-schools-in-nebraska-hit-hard-by-pandemic-but-fare-better-than-schools-nationally/article\\_76cde466-bd59-53d1-bab9-fc83a6fe3366.html](https://journalstar.com/news/local/education/catholic-schools-in-nebraska-hit-hard-by-pandemic-but-fare-better-than-schools-nationally/article_76cde466-bd59-53d1-bab9-fc83a6fe3366.html) (last accessed on Feb. 25, 2021); Nick McConnell, "Catholic Charities holds food drive to help meet increased demands for help," *Omaha World-Herald* (Sept. 26, 2020), available at [https://omaha.com/news/local/catholic-charities-holds-food-drive-to-help-meet-increased-demands-for-help/article\\_c1f91c6c-8c96-5ddc-a233-5466df12b1ab.html](https://omaha.com/news/local/catholic-charities-holds-food-drive-to-help-meet-increased-demands-for-help/article_c1f91c6c-8c96-5ddc-a233-5466df12b1ab.html) (last accessed on Feb. 25, 2021).

<sup>2</sup> For a broad survey of religious liberty developments throughout the pandemic, see the following: <http://religionclause.blogspot.com/search/label/COVID-19> (last accessed on Feb. 25, 2021).

<sup>3</sup> See *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. \_\_\_\_ (2020); *South Bay United Pentecostal Church v. Newsom*, 592 U.S. \_\_\_\_ (2021).

<sup>4</sup> See United States Conference of Catholic Bishops, "Our First, Most Cherished Liberty: A Statement on Religious Liberty" (2012), available at [https://www.usccb.org/issues-and-action/religious-liberty/upload/Our\\_First\\_Most\\_Cherished\\_Liberty.pdf](https://www.usccb.org/issues-and-action/religious-liberty/upload/Our_First_Most_Cherished_Liberty.pdf) (last accessed on Feb. 25, 2021).

LB167 provides that needed vigilance by ensuring that government actors are clearly on notice as to the appropriate balance that must be struck between public health and safety measures and preserving religious liberty.

LB167 respects the authority that public officials exercise to protect public health and safety by enacting neutral, generally applicable laws that are not a substantial burden on religious organizations. In the event government actors fail to adhere to these basic requirements by, for example, treating similarly situated secular entities more favorably than religious organizations LB167 also provides reasonable remedies that can be pursued.

While the religious liberty interests of Nebraskans have fared well throughout this COVID-19 pandemic, LB167 is forward thinking legislation and establishes needed safeguards for future states of emergency.

The Nebraska Catholic Conference respectfully request that you advance LB167 to General File. Thank you for your time and consideration!