



TO: Judiciary Committee
FROM: Nebraska Catholic Conference
Marion Miner, Associate Director for Pro-Life & Family
DATE: January 30, 2020
RE: LB748 (Fertility Fraud Act) (Neutral)

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.

LB748 addresses a real problem. We have read reports in the news about doctors who take advantage of the vulnerability and trust of their patients, implanting in those patients embryos who have been fertilized with the doctor's own sperm. This has resulted in dozens, even hundreds, in some cases, of siblings being born with no knowledge of their relationship to each other. Sometimes these crimes are only revealed after these siblings, as adults, take genetic tests and discover their connection to their many (previously unknown) brothers and sisters. This abuse has obviously evil implications—besides the primary offense that is committed against the mothers who are victimized by such unscrupulous doctors, the children suffer, and society more broadly suffers as well.

The Conference is testifying in a neutral capacity on this bill. Although we are not taking a position on LB748, it is important to explain the predicaments that occur as result of our assent as a society to the use of extra-sexual means, such as in vitro fertilization, to produce children. Senator Cavanaugh's bill, LB900, addresses another evil we must combat only because we unwisely tolerate a prior immoral practice.

Many thousands of couples trying to conceive suffer from infertility. Almost all of us know a number of people who have had to endure it. The Catholic Church suffers with those couples, and accompanies them with spiritual and psychological counseling and moral support. The Church also assists them in overcoming infertility by ethical and morally good means. In taking that approach the Church demonstrates its respect for the marriage of each couple, the man and woman's own individual integrity, and the dignity and invaluable worth of every human life.

We also all likely know one or many couples who have had children through in vitro fertilization. In expressing the teaching of the Church on this issue, it is not our wish to alienate or condemn anyone. In addition, it is important to emphasize that those children brought into being through IVF are as fully human and deserving of love, protection, care, and affirmation of value as any other child. They are recognized and valued as such by the Church and, I hope, by us all.

In vitro fertilization has become common in our society, and it is not difficult to recognize why. It gives couples an opportunity to beget life biologically descended from them when the natural

avenue for doing so is or seems to be closed. The end toward which IVF is directed – having biologically-descended children – is certainly a great good.

This good end, however, does not justify the means by which we attempt to attain it. In vitro fertilization does not assist in achieving pregnancy through an act of sexual union – that act proper to marriage that is naturally ordered to the procreation of children. Instead, IVF replaces the marital act, making the child produced through this procedure a fruit of human manipulation of reproductive material, rather than of a unitive act of love between two people. The couple’s cooperation in this manipulation does harm to their relationship and to each of them individually.

Additionally, in practice IVF almost always results in more new individual lives coming into existence than is possible for the mother to carry. Multiple embryos – human life during the first eight weeks of development – come into being. The general practice is that only the “healthy” or the “strongest” embryo or embryos are then implanted into the mother or surrogate’s womb. The rest are frozen for later use or scientific experimentation or are simply discarded as “medical waste.” These are direct attacks on human life at its earliest and most vulnerable stage.

In addition, it is common for multiple embryos to be implanted in order to increase the chances that at least one will survive. Where more than one does survive, it is common for the “weakest” to be aborted and discarded.

Finally, IVF encourages the commodification of children, bringing new human beings into existence in exchange for financial compensation, as products to be bought in the marketplace rather than as free gifts which come to us from God. This is not only an offense against God, it is an offense to the dignity of those children and their relationship to their own parents.

We, as a society, should reconsider our assent to the use of extra-sexual means to attain biologically-descended children, to whom no one has a right, but whom one may receive only as a gift. The use of those means has, as its inevitable result, moral and legal predicaments like the ones LB748 and LB900 attempt to address. The Conference thanks you for your consideration of this issue.