

## What Happened?

On June 26, the United States Supreme Court issued two decisions that pertain to the meaning of marriage. For both decisions, the vote was 5-4. In United States v. Windsor, the majority ruled, in an opinion authored by Justice Kennedy, that the federal government will now have to recognize for purposes of federal laws same-sex “marriages” entered into in states that have authorized them. This ruling invalidated one provision of the Federal Defense of Marriage Act (DOMA). In Hollingsworth v. Perry, the majority issued, in an opinion authored by Chief Justice Roberts, a procedural ruling that the sponsors of Proposition 8 in California—a 2008 citizen-initiated ballot proposal to define marriage as the union of a man and a woman—lacked legal standing to appeal a trial court’s decision that the Proposition is unconstitutional, even though California officials, including the Governor and the state Attorney General, refused to defend the voter-approved Proposition. The result of Supreme Court’s ruling is that same-sex “marriage” is legalized in California, at least insofar as it pertains to the plaintiff partners who challenged the Proposition.

From the perspective of the Diocesan Bishops serving in Nebraska, in their association as the Nebraska Catholic Conference, both of these rulings are dismaying and disappointing. In *Windsor*, the Supreme Court failed to sustain a duty of government at all level to recognize and uphold marriage’s unique meaning as a fundamental institution that unites one man and one woman together and with any children who come from their union. In *Hollingsworth*, the Court rejected an opportunity to uphold the will of millions of Californians, who voted to protect marriage’s unique meaning through Proposition 8.

Fortunately, the Supreme Court’s rulings are also highly significant because of what the Court did not do: it did not hold that there is a constitutional right to legally recognized same-sex “marriage;” it did not hold that the U.S. Constitution imposes a redefinition of marriage on the states (other than the impact of the procedural ruling on California); it did not rule that sexual orientation is a protected classification. Importantly, the Supreme Court’s rulings do not have any cognizable impact on Article I, Section 29 of the Nebraska State Constitution, which defines marriage as the union of one man and one woman and prohibits state and local governmental recognition of civil unions, domestic partnerships or any similar same-sex relationship.