

Marriage in Court

DOMA Defended

By Al Riskowski

It was a cold, windy Sunday evening when we walked around the Thomas F. Eagleton Courthouse in St. Louis, Missouri. Four of us from the Nebraska Family Council staff were praying for God's mercy. The next morning, Jon Bruning and Matt McNair, from the attorney general office would be presenting an oral argument defending Nebraska's right to define marriage before the 8th Circuit Court of Appeals.

The next morning, Monday, February 13th, we gathered on the 28th floor of the courthouse in front of the En Banc Courtroom overlooking the St. Louis Arch. It was with a sense of awe as we realized this court case could have an incredible historical significance. The ACLU lawsuit against Nebraska is being used as the primary case to change the traditional definition of marriage. If Nebraska loses its ability to define marriage the nation loses.

The three judge panel which heard the case was Chief Judge Loken and Circuit Judges Bowman and Smith. I believe this was a good panel of judges. The questions asked Matt McNair gave me a sense of hope that they would overturn the lower court ruling. Tamara Lange of the ACLU Human Rights Project made the oral argument in behalf of the lawsuit.



**Thomas F. Eagleton
Courthouse St. Louis**

Last year Lambda Legal and ACLU's Lesbian and Gay Project filed a lawsuit against the state of Nebraska challenging the definition of marriage in our state constitution. In May of last year Federal Judge Joseph Bataillon ruled against the measure. He stated that the marriage definition was too broad and deprived gays and lesbians of participation in the political process. He also stated that the passage of this definition in 2000 by over 70% of the Nebraska voters was motivated by hatred toward homosexuals.

The 43-word amendment is not complicated, it states: "Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska."

Matt McNair's final rebuttal emphasized three points:

1. Nebraska's Defense Of Marriage Amendment only affirmed the long standing definition of marriage and placed it into the constitution.
2. DOMA did not deny homosexuals access to the political process.

3. Nebraska has every right to define its public policy regarding the definition of marriage.

How long before we have a ruling by the U.S. 8th Circuit Court of Appeals? A decision is expected within 2 to 4 months. What is the next option for appeal? The U. S. Supreme Court is the next level of appeal.

Not long ago Canada changed their definition of marriage to include individuals of the same-sex. Last month Canada was rocked by news that a Justice Department study had called for the decriminalization and regulation of polygamy. Actually, two government studies recommended decriminalizing polygamy. If you open marriage to a redefinition where does it end?

Keep praying! This is a historic moment for Nebraska and the nation. If you would like to receive our Intercessory Prayer Updates go on our web site at, www.NebFC.org or call us toll free, 1-888-777-5188.