



Attorney General Doug Peterson

News Release

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Today five Supreme Court Justices created a new constitutional right based upon sexual choices. The Constitution doesn't speak, one way or the other, to the question of same-sex marriage. Under our system of federalism, the definition of marriage as a male-female union is properly a matter of state law. I agree with Chief Justice Robert's contention that "The majority's decision is an act of will, not legal judgment. The right it announces has no basis in the Constitution or this Court's precedent."

The Court overstepped its proper role in our system of government. Instead of interpreting and applying the law, the Court invented a new constitutional right. Nothing in the Constitution mandates a nationwide redefinition of marriage. Sadly, the Court stripped all Americans of our freedom to debate and decide marriage policy through the democratic process. The freedom to democratically address the most pressing social issues of the day is the heart of liberty. The Court took that freedom from the people.

In addition to Nebraska, Americans in 30 other States have voted to affirm marriage in their constitutions, while the people of only 3 states have voted to redefine marriage. Of the states that now issue same-sex marriage licenses, more than 2/3 had it imposed by court dictate. The Court's decision represents a profound loss of freedom. It shows a lack of faith in democracy for the Court to force this decision on every state.

Nebraska has until today's decision in *Obergefell* relied upon the 8th Circuit's 2006 opinion in *Citizens for Equal Protection v. Bruning*, which specifically upheld the constitutionality of Nebraska's marriage laws. *Obergefell* has effectively reversed the 8th Circuit's sound decision in *Bruning* and effectively renders the state's case in *Waters v. Ricketts*, currently pending in the 8th Circuit, moot.

Recognizing the rule of law, the State of Nebraska will comply with the ruling of the United States Supreme Court in *Obergefell*. Nebraska officials will not enforce any Nebraska laws that are contrary to the United States Supreme Court's decision in *Obergefell*.

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Suzanne Gage
Director of Communications
Nebraska Attorney General
Office: 402-471-2656
Mobile: 402-560-3518
Suzanne.gage@nebraska.gov

