



To: Judiciary Committee
From: Tom Venzor, Executive Director
Nebraska Catholic Conference
Subject: LB166 (SOGI & Evidentiary Prohibitions) (Oppose)
Date: February 7, 2019

Chairman Lathrop and Members of the Judiciary Committee,

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.

The Catholic faith recognizes the supreme dignity of every person as made in the image and likeness of God. The only appropriate response to this reality is charity. For this reason, the Catholic faith also recognizes that nobody, including those who are experiencing same-sex attraction or gender identity issues, should be subject to unjust discrimination.¹ In other words, everyone should be treated with respect and dignity.

While there are elements of LB166 that seek to address the unjust discrimination that some have experienced with regard to their human sexuality, the legislation seeks to incorporate problematic definitions into state law.

LB166 seeks to import definitions through terms such as ‘gender’, ‘gender expression’, and ‘gender identity’ that undermine the biological and given reality of sexual difference. In doing so, as Pope Francis has noted about gender theory, these types of “legislative enactments promote a personal identity and emotional intimacy radically separated from the biological difference between male and female.”² As the Pope further notes: “It is one thing to be understanding of human weakness and the complexities of life, and another to accept ideologies that attempt to sunder what are inseparable aspects of reality.”³ These realities are not mere theological ruminations for people of faith, but are the necessary basis and building blocks of any society that seeks to flourish.

Furthermore, rules of evidence and Nebraska Supreme Court case law already substantially preclude the type of evidence that LB166 seeks to protect against.⁴ For example, rules related to relevancy and the probative value of evidence versus its prejudicial impact would protect against sexual orientation or gender identity being unnecessarily and harmfully used against the victim

¹ See *Catechism of the Catholic Church*, paragraphs 2357-2359.

² Pope Francis, Apostolic Exhortation *Amoris Laetitia*, paragraph 56 (March 19, 2016).

³ *ibid.*

⁴ See, e.g., *State v. Escamilla*, 245 Neb. 13, 26 (1994).

of any number of crimes, many of which, regrettably, are heinous and violative of justice, human dignity, and the common good.

Because such evidence is already substantially precluded, the deeper concern is raised that this legislation is less about dealing with unjust discrimination and more about imposing—for the first time in Nebraska state law—deeply problematic terms that run contrary to our common biologically created reality.

The Nebraska Catholic Conference respectfully urges your opposition to this legislation and asks that you indefinitely postpone LB166. I request that this letter be made part of the public record.

Thank you for your consideration of our position.