



TO: Government, Military, & Veterans Affairs Committee
FROM: Marion Miner, Associate Director of Pro-Life & Family Policy
Nebraska Catholic Conference
DATE: February 7, 2025
RE: LB89 (Stand With Women Act) (Support)

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. I am here to express the Conference's support for LB89, the Stand With Women Act.

Men and boys are different from women and girls. The law should respect those differences and, in some important circumstances, reserve programs and spaces for men and boys or women and girls. Sex is a bodily, material reality. This is starkly apparent in the contexts of intimate spaces and the athletic field, court, or track, and denying that reality has a disparate and potentially very dangerous impact on especially women and girls.

As a matter of law, separating males and females in intimate spaces serves the important governmental objective of protecting their privacy in such spaces and shielding their bodies from exposure to the opposite sex. Likewise, barring males from competing in sports reserved for women and girls serves the important objectives of fairness and equality of opportunity for female athletes in competition and protection of those athletes from heightened risk of injury.

Numerous courts have examined these principles under both Equal Protection and Title IX claims. While there was some doubt for a time how lawsuits on these issues would turn out, federal courts have regularly found policies with identical questions and interests at stake to be constitutionally sound under the Equal Protection Clause and in compliance with Title IX. We have every reason to be confident that this trend will continue, up to and including at the 8th Circuit Court of Appeals and the United States Supreme Court.

In any event, both national policy and the governing administrations of collegiate sports have recently aligned themselves with the same policies advocated by LB89. It is clear these policies are not only constitutional but also aligned with federal policy and public opinion.

The reality of sex matters, and the consequences of that reality are not theoretical, but concrete, immediate, and important to acknowledge. Respecting girls' right to compete on a fair and safe playing field and to enjoy equal opportunity to win and receive athletic scholarships is compellingly important. So is respecting and protecting a person's right not to be compelled or pressured to share intimate spaces with persons of the opposite sex. The Conference urges you to advance LB89 to General File.

Thank you for your time and consideration.