



TO: Judiciary Committee
FROM: Tom Venzor, Executive Director
Nebraska Catholic Conference
DATE: February 26, 2021
RE: LB120 (SOGI Non-Discrimination) (Oppose)

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 NCC opposes LB120.

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.

LB120, unfortunately, goes beyond protecting against unjust discrimination. LB120 uses government coercion and punishment to force individuals, employers, small business owners, non-profits entities, religious organizations, among others, to affirm conduct and messages that conflict with their sincerely held moral or religious beliefs on marriage and human sexuality. Even former Supreme Court Justice Anthony Kennedy recognized such a view on marriage “long has been held—and continues to be held—in good faith by reasonable and sincere people here and throughout the world.”² LB120 does not treat those with traditional views on marriage and human sexuality as reasonable and sincere people, but in need of corrective government coercion and punishment.

LB120 contains at least several other issues worth briefly noting.

First, LB120 undermines the ability of an employer to carry out their business in accord with their mission. For example, it would prohibit a Christian bookstore owner from being able to hire or conduct their business in accord with their faith-based mission.

Second, LB120 makes no attempt at adding religious liberty protections. It leaves in place current law protecting the ability of religious organizations to hire on the basis of religion.³ Current law also allows “bona fide occupational qualifications” on the basis of sex.⁴ LB120, however, fails to address such nuances with respect to the added categories of sexual orientation and gender identity.

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

² *Obergefell v. Hodges*, 135 S.Ct. 2584, 2594 (2015).

³ Neb. Rev. Stat. §48-1103.

⁴ Neb. Rev. Stat. §48-1108.

Third, LB120 undermines concerns for privacy. LB120's reach extends to the "terms, conditions, or privileges of employment, because of the individual's...gender identity."⁵ The terms, conditions, and privileges of employment include the use of multi-user locker rooms, restrooms, showers, among other facilities. LB120 creates legitimate privacy concerns in our public, parochial, and private schools, churches, supermarkets, and restaurants, just to name a few examples.

Fourth, LB120 seeks to not only address statewide employment law, but also addresses local public accommodations law.⁶ This would inevitably raise serious constitutional issues. In 2019, a 3-judge panel of the 8th Circuit Court of Appeals recognized that when such laws "seek[] to regulate speech itself as a public accommodation, it has gone too far...and its interest must give way to demands of the First Amendment."⁷

The Nebraska Catholic Conference urges your opposition of LB120. Thank you for your time and consideration.

⁵ LB120, Sec. 9(1).

⁶ LB120, Sec. 1.

⁷ *Telescope Media Group v. Lucero*, 936 F.3d 740, 758 (8th Cir. 2019).