



TESTIMONY SUBMITTED BY JENNIFER C. BRACERAS

The Women's Bill of Rights - Kansas State Legislature

Wednesday, Feb 15, 2023

IWLC Supports Kansas Senate Bill 180

Distinguished members of the Senate Public Health and Welfare Committee.

My name is Jennifer C. Braceras. I am here today as director of Independent Women's Law Center, the legal advocacy arm of Independent Women's Forum and Independent Women's Voice, to urge you to pass SB 180 —the Kansas Women's Bill of Rights.

IW is the leading national women's organization dedicated to enhancing women's freedom and well-being. Independent Women's Law Center supports that mission by advocating for individual liberty and equal opportunity for all Americans.

At IW, we understand that, while men and women are legally equal, we are not the same. Males and females *must* be given equal opportunities, but our institutions must not be *required* to integrate males and females in settings such as prisons, athletic teams, or domestic violence shelters where differences in male and female biology matter.

This is consistent with long-standing legal precedent, which requires equal treatment of *similarly-situated* men and women but allows differentiation between the sexes whenever privacy, safety, or equal opportunity are at stake or whenever that differentiation is "substantially related to an important government interest."

This is, of course, common sense. Unfortunately, however, this basic premise is threatened today in two distinct ways:

— By activists who want to redefine common sex-based words (words such as, ‘female’, ‘male’, ‘man’, and ‘woman’) in a manner that separates sex from biology.

— And by those who think that when it comes to sex, separate is inherently unequal.

The first, the redefinition of basic words, has the potential to rewrite thousands of state and federal laws that use the terms “woman”, “man”, “male”, and “female.” Decoupling these words from biology changes the meaning of all of these laws, opening up women’s spaces and opportunities to biological men who identify as women or girls.

The second threat is equally dangerous but much broader, as it threatens the very existence of single sex spaces altogether. Some advocates have, with mixed success, for decades urged judges to evaluate sex classifications with the same strict scrutiny that they evaluate racial classifications. These activists want courts to hold that separating the sexes is almost always illegal, as it is in the race context. Of course, you know that race and sex are different. But, if these activists prevail, single sex prisons and domestic violence shelters, as well as athletic teams and sororities and fraternities at public schools, could all cease to exist.

WBOR addresses these twin threats by codifying long-standing legal precedents along with the original public meaning of words used in statutes already on the books.

WBOR ***doesn’t change current law.*** It simply fortifies existing law.

WBOR does not prevent legislatures from enacting new laws accommodating trans-identified people or making previously single-sex spaces co-ed. That is your prerogative. But WBOR will prevent unelected judges or bureaucrats from making those decisions for you.

Because WBOR preserves, but does not change, the current laws regarding sex and sex discrimination, it is non-partisan. Women’s advocacy groups across the ideological spectrum support this legislation. And members of this body from both sides of the political aisle can, and should, support it too.