

FORUM

Why did religious right back HB 2?



There are a lot of mysteries surrounding the recent legislative session in which the North Carolina General Assembly and Gov. Pat McCrory rammed through a radical overhaul of several important state laws and local government ordinances in less than 12 hours.

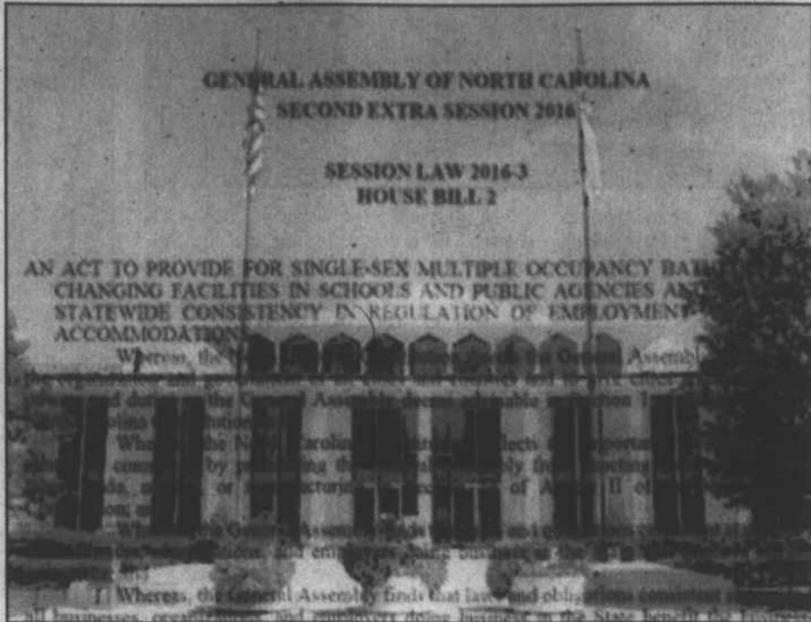
As was noted in a post on *The Progressive Pulse* on [March 31] yesterday afternoon, one of the most obvious ones involves the North Carolina Chamber and its deafening public silence:

"Is the Chamber — a group whose fingerprints are on virtually every major piece of legislation that impacts the state's business community — really completely disinterested?"

"Common sense and the rumor mill on Jones Street tell us that this is simply impossible. According to numerous observers of the kangaroo special session, there's a reason that the Chamber stayed quiet — namely, that it was bought off with the broad language added to the bill at the last minute to deep-six local living wage ordinances and to bar all state court lawsuits against employers who fire workers for discriminatory reasons.

"It is a plausible theory. Noxious and revolting, but utterly plausible."

The Chamber's silence was rendered all the more striking and perplexing by the release late yesterday of a massive new list of opponents of the new law that



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features a veritable "who's who" of the state's and nation's business establishment. This is from that letter:

"Discrimination is wrong, and we believe it has no place in North Carolina or anywhere in our country. As companies that pride ourselves on being inclusive and welcoming to all, we strongly urge you and the leadership of North Carolina's legislature to repeal this law in the upcoming legislative session."

The religious right's contradictory stance

Still, for all the confusion surrounding the Chamber's silence, the most bizarre and seemingly inexplicable aspect of the "Public Facilities Privacy and Security Act" involves conservative Christian groups and their silence over one of the law's most outrageous and least-well-reported sections.

While much has been made of the law's treatment of restrooms and other public accommodations and its affirmative ban on local

ordinances that afford protections in those areas to LGBT people, consider the following language from the new law as it amends the state Equal Employment Practices Act:

"This Article does not create, and shall not be construed to create or support, a statutory or common law private right of action, and no person may bring any civil action based upon the public policy expressed herein."

What that means, in plain English, is that North Carolina has officially joined Mississippi as one of only two states in the U.S. to bar all lawsuits in its state courts for employment discrimination.

That is not a misprint. From now on, North Carolinians who are fired from their job because they are an African-American, a woman or, yes, a conservative Christian, have no right to sue in state court.

Here's how worker advocates at the North Carolina Justice Center describe the backdrop and impact of this remarkable

shift:

"Since 1985, workers in North Carolina who have been fired because of their religion, race, color, national origin, age, sex, or handicap have been able to bring claims in state court under the common law theory of wrongful discharge in violation of public policy, based upon the public policy stated in action based on the North Carolina Equal Employment Practices Act (NCEEPA), N.C. Gen. Stat. § 143-422.1, et seq.

"HB 2 eliminates state law remedies for employees who are fired based on their race, religion, color, national origin, age, sex or handicap. Specifically, section 3.2 of the bill ended an employee's private right to sue an employer who fires him or her for any one of these discriminatory reasons. As a result, employees can fire their employees simply because they are black, or a female, or Christian, without fear of redress in state courts..."

"By eliminating the NCEEPA as the basis for any civil action, the

General Assembly has severely restricted victims of discrimination from meaningful redress. As defenders of HB 2 were quick to point out, employees can still bring a claim under federal anti-discrimination laws, but for many victims of workplace discrimination that is not a viable option. Federal courts are much less accessible because of the high cost of filing a claim, time-consuming administrative requirements, and the very short deadline to bring a claim (180 days as compared to three years in state court). Moreover, the Human Relations Commission, which the General Assembly has not funded adequately, does not offer victims any redress unless their employer agrees to conciliate."

Now, consider the fact that this action was taken with the expressed endorsement of groups dedicated to the defense of "Christian" values — groups like the N.C. Family Policy Council, the Christian Action League and the N.C. Values Coalition.

It is, in other words, a truly stunning and almost unfathomable development — at least at first blush. A modern American state has enacted a sweeping statute that takes its law backward on a fundamental premise of human and civil rights (the right not to be fired because of your race, sex or religion) to the mid-20th century (and maybe even the mid-19th century). What's more, it has done so with the ringing endorsement of conservative Christian advocacy groups — groups whose members are now, as a result, expressly unprotected in state law because of their religious beliefs!

Making sense of the

seemingly nonsensical

So what are we to make of this amazing development? Are the advocates employed by conservative Christian groups utterly incompetent? Have they been (as the Governor complained he was during a truly pathetic moment on Monday [11] when he was asked by reporters about specific controversial provisions), "blindsided" by the actual contents of the bill they helped make law just a few days earlier?

Maybe.

Sadly, however, another more plausible and troubling explanation seems just as likely: namely, that the conservative Christian groups made a knowing and cynical political calculation. Just as the NC Chamber bit its tongue on the question of discrimination against LGBT persons to gain a new power over employees, the religious right held its fire on giving away the right of its members to sue for discrimination so that it could pursue its longstanding holy grail of keeping LGBT persons marginalized and unequal.

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Politicians sometimes say the strangest



Barbershops, malls, hair salons and places of worship all have people in them asking the question: "What do you think about this year's election?" The responses will vary but you will always get an answer.

Some pundits who follow these matters say this year's election is like no other. Well, probably the same can be said for the election held eight years ago. Barack Obama, a candidate with limited political experience burst onto the scene to win the presidency of the United States of America.

Barack Obama's spirit and his belief in the American people captured our hearts and minds. I believe his campaign slogan "Yes We Can" is one of the best ever. It gave us a newfound hope in ourselves.

President Obama has made America more inclusive and welcoming than at any other time in our history. Yes, we can bring your huddled masses yearning to breathe free. Yes, we can provide health care to all of America's citizens. And yes, we can worship and pray together.

What has attracted the world to President Obama is his ability to be a bridge-builder and his understanding of what affects the least of us affects all of us. Even during his campaign for president, you didn't hear mean-spirited attacks between him and his opponents. In fact, he made one of his opponents, Hillary Clinton, Secretary of State. He could do that because they both engaged in a humane campaign.

Of course there have been critics of President Obama, yet he has engaged them all with dignity and respect. Traps and snares have been laid out for him, but he has walked over and through them unscathed. To paraphrase a scripture, Psalm 105:15 says, "Touch not my anointed ones; do my prophets no harm."

Some people have been whining about President Obama for eight years, but I will guarantee you those same people who are whining now will be crying later when he leaves office. Many of us have learned that sometimes when you are in the middle of good, you don't realize it until you don't have it anymore. Some didn't have health care pre-Obama but now have it with President Obama. Some didn't have a job pre-Obama but now have a job with President Obama. Lastly, some of us had children in wars in foreign countries pre-Obama and now they are out of harm's way with President Obama.

I have witnessed and voted in a lot of elections over my lifetime. I have faithfully exercised my voting privilege. However what we see being played out at least on one side defies description. I will go deep into my urban lexicon of terms and use the phrase young people use and say it's a hot mess.

Prior to now, I have never heard a candidate say he is going to build a wall and keep everybody out of a country. I have never heard a candidate for the highest office in the land suggest that if you worship differently, speak differently and have a different lifestyle, you are not embraced in America. He wants to make America great again. When was America not great?

I have never watched fights occur at political rallies and the candidate himself not vehemently condemn them. Instead, his response is simply, "Go home to mama" or "Get them out of here."

Recently, I watched an NBC reporter ask this same candidate about the Ku Klux

Klan. His response was he needed a little more information about the group and its leadership. This was unbelievable that anyone could give that response. Yet this candidate leads the race for the Republican Party nomination.

I will simply join the chorus when I say that the Grand Old Party is in shambles and disarray. Many years ago, my Spanish teacher at Atkins High School, Dr. Madeline Scales, would use the term "shell shocked" when our answers were not correct. Well the Republican Party is officially "shell shocked."

It started when Barack Obama was elected to his first term as President of the United States of America. It continued when Republican Congressman Joe Wilson said, "You lie" on September 9, 2009 during the State of the Union address. This Republican shell-shocked mindset continued when The Patient Protection and Affordable Care Act (PPACA) was signed into law on March 23, 2010. All of this is simply emboldened by the coolness, aplomb and human touch that President Obama displays when he interacts with people and deals with the issues of the day. The Republicans are disorganized, disjointed and disgraced by what is happening today. It is my opinion that the GOP paid way too much attention to President Barack Obama and trying to stop him.

Their unified and collective mantra was "No-we can't" instead of "Yes we can" for the good of this country. Their constant no refrain meant they weren't paying attention to what was happening to their party. Donald Trump was happening



Illustration by Ron Rogers for The Chronicle

to their party. As a result, they got a candidate straight from a variety show as their choice for the most important office in the world. C'mon man, just c'mon. He slipped through the cracks and now is on public display every day.

Some traditional Republicans like former Republican presidential candidate Mitt Romney have tried to stop him. So far it hasn't worked. I am reminded of the song by Johnny Mathis and Deniece Williams entitled, "Too much, too little, too late." I may be wrong. We'll just have to wait and see as the Republican National Convention is just around the corner.

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