

## Two GOP governors, two different calculations on LGBT rights

By Bill Barrow

ATLANTA (AP) - Two Republican governors. Two proposals at the heart of LGBT rights. One rejection. One new law.

Georgia Gov. Nathan Deal said he has prevented discrimination and protected the economy by vetoing a measure that would have allowed certain individuals, businesses and faith organizations to deny services to others based on "sincerely held religious beliefs."

In North Carolina, Gov. Pat McCrory said he has protected his citizens' privacy and used "common sense" by signing into law a bill that, among other things, prohibits local anti-discrimination ordinances and obligates transgender people to use restrooms matching the gender on their birth certificates.

Their moves highlight a familiar GOP fault line between business conservatives, led by large corporations that have embraced LGBT rights, and social conservatives, who have sought more of their own legal protections since the U.S. Supreme Court legalized same-sex marriage last year.

The conflict is particularly fierce in statehouses like those in Atlanta and Raleigh, where the GOP's overwhelming majorities give both sides of the fault line expectations of real power.

"There was no escape hatch," former Deal aide Brian Robinson said. "He was getting torn between two factions ... both of which have supported him strongly for years."

Raw political calculations also apply: Deal is 74, unable to seek a third consecutive term and almost certainly won't face Georgia voters again; McCrory is 59, and suddenly has a wedge issue smoldering in his lap in the midst of a tough re-election campaign.

Deal's situation left him free to wax eloquent about constitutional freedoms in his veto message, largely avoiding explicit commentary on same-sex marriage and LGBT rights.

"If indeed our religious liberty is conferred by God and not by man-made government, we should heed the 'hands-off' admonition of the First Amendment to our Constitution," he said.

The veto disappointed some religious conservatives and enraged others; all promised to keep trying. But Deal stood his ground, alluding to his own lifelong Southern Baptist affiliation. "I do not think we have to discriminate against anyone," he said, "to protect the faith-based community."

McCrory is in a more difficult spot, trying to frame the new North Carolina law in his favor while his Democratic general election opponent, state Attorney General Roy Cooper, does the same. Both rivals must placate their party bases - gay-rights supporting liberals for Cooper, social conservatives for McCrory - while appealing to the independents who hold sway in the closely divided state.

The law was the product of a special session Republicans called to override a city of Charlotte ordinance allowing transgender individuals to use bathrooms matching their gender identity. McCrory and his aides focus on provisions requiring people to use multi-stall bathrooms of the sex matching their birth certificates at state agencies, schools and universities.

Chris LaCivita, McCrory's chief campaign strategist, said it's a simple question: "Can a male use a female bathroom and a female locker room?" The governor "has always maintained that this is a case about reasonable expectations of privacy," he said.

Opponents used the same arguments in a 2015 referendum that overturned Houston's anti-discrimination ordinance.

Cooper announced March 28 that his attorney general's office won't defend the North Carolina law, which he called a "national embarrassment."

He noted that the law does much more than tell people which bathrooms they can use: It also blocks workers from suing in state courts over workplace discrimination based on race, religion, color, national origin, age, sex or handicap. And it prevents any local government from protecting people on the basis of sexual orientation or gender identity, setting their own minimum wages, or requiring businesses to provide paid sick leave.

All that "will set North Carolina's economy back if we don't repeal it," Cooper said, echoing the argument business leaders made in pressuring Deal for a veto in Georgia.

More than 500 companies joined that coalition, led by Coca-Cola and other big-name Georgia firms. The Walt Disney Co., Marvel Studios and Salesforce.com threatened to take business elsewhere. The NFL suggested Atlanta could lose its bids for the 2019 or 2020 Super Bowl.

McCrory heeded such arguments last year when he vetoed a "religious freedom" bill that was more limited than what Deal nixed. (The Legislature overrode McCrory's veto.) McCrory signed this bill into law the same day it was introduced, and said he'd "not had one corporation tell me that they're threatening to leave," though the NBA has now suggested it could move professional basketball's 2017 All-Star game from Charlotte.

Georgia Republican consultant Chip Lake said the economy ultimately drives this issue, regardless of the specific and often complicated provisions that McCrory, Cooper, Deal and others try to parse.

"We get caught up in arguments of what's right and what's wrong, but this becomes an issue where we just have to ask, 'Are the economic consequences real or perceived?'" Lake said. "You can call it economic extortion. We can talk about 'that's unfair,' but that's the reality."

Associated Press writers Kathleen Foody in Atlanta and Gary D. Robertson, Emery Dalesio and Jonathan Drew in Raleigh, North Carolina, contributed to this report.

### Democratic Leader Larry Hall Statement on the \$42,000 Session to Overturn Will of Local Communities

RALEIGH - On March 23 House Democratic Leader Larry Hall released the following statement regarding the special session and the vote on House Bill 2 Public Facilities Privacy & Security Act:

"It is a shame to do this to the people of North Carolina and it's an insult to the democratic process. Republican leaders called a \$42,000.00 per day special session for Raleigh to overturn the will of local communities. Legislators had only 5 minutes to read the bill and no time to interact with our constituents to get their response. The Republican majority has misplaced priorities and the 72 members that called the session should waive their pay for the \$42,000.00 day. This special session passed a bill that takes money away from families by prohibiting a local living wage and allows statewide discrimination. Republicans did not call this costly session to deliver healthcare to 500,000 North Carolinians or to increase funding for education for our children or to protect our drinking water from coal ash dumping to create more jobs. They did not call a special session to find solutions. They voted today for big government to take local power," said Democratic Leader Larry Hall.

### Senate Unanimously Votes to Stop Radical Ordinance Allowing Men into Public Bathrooms with Women and Young Girls

Statement by President Pro Tempore Senator Phil Berger

RALEIGH - The North Carolina Senate voted unanimously March 23 to stop a radical and illegal Charlotte City Council ordinance allowing men into public bathrooms and locker rooms with young girls and women.

After the legislation passed the House of Representatives with strong bipartisan support, Senate Democrats walked out of their chamber to avoid taking a stand on the bill. Former state Sen. Josh Stein (D-Wake), who is currently running for Attorney General, even resigned from the Senate the very same day members were called back to a special session.

"Today Senate Democrats followed the lead of Roy Cooper and refused to make protecting the safety of our children a priority," said Senate Leader Phil Berger (R-Rockingham). "We're not sure if their rhetoric was stronger than their convictions or if they expected to be embarrassed by a majority of Senate Democrats joining Senate Republicans in voting for common sense. But either way, running out and ducking this vote is a serious breach of their duty to their constituents."

Lawmakers were forced to come back to session to address the serious safety concerns created by the dangerous ordinance - which violated existing state criminal trespass law, indecent exposure law and building codes and created a loophole that any man with nefarious motives could use to prey on women and young children - after Attorney General Roy Cooper ignored the wishes of more than 60 percent of voters and refused to enforce state law. Senate Democratic Leader Dan Blue even said on the floor that the attorney general could have stopped the ordinance by seeking a court order.

Recent news reports have detailed how a similar ordinance in Seattle resulted in a grown man going into a women's locker room, undressing himself and watching young girls get dressed for swim practice. And one of the loudest voices in favor of the Charlotte ordinance is a registered sex offender who was sentenced to ten years in prison for committing a lewd act on a minor under the age of 16.

As a result, lawmakers have heard an outcry from tens of thousands of constituents, along with local law enforcement officials - including Guilford County Sheriff BJ Barnes, who said the ordinance could "cause the majority of people to compromise their safety and privacy" and "place law enforcement personnel in [an] uncertain position."

"The Charlotte City Council should have never passed this unlawful and reckless bathroom and locker room ordinance. Politics have reached a new extreme when a municipality's top priority is allowing men into women's bathrooms and locker rooms," said Senate Judiciary I Committee Chairman Buck Newton (R-Wilson). "But tens of thousands of our constituents from across the state have called on us to stand up to the political correctness mob, fight for common sense and put a stop to this nonsense once and for all."

#### The bill passed by the Senate:

\* Ensures men cannot use ladies' bathrooms and locker rooms by setting a single, statewide standard in K-12 public schools, public buildings, and other places of public accommodation throughout the state. It does not prohibit schools and other facilities from providing reasonable accommodations like single occupancy bathrooms for those who wish to use them.

\* Establishes a uniform statewide anti-discrimination policy - stronger than federal law - for the first time on the basis of race, religion, color, national origin, age or sex. Existing statewide law already prohibits discrimination based on disability.

\* Helps prevent future situations like Charlotte's overreaching ordinance by creating statewide consistency for laws related to employment and public accommodations. The bill prevents businesses from being forced to learn and comply with a patchwork of different rules in different cities across the state, which keeps it easy to do business in North Carolina.

# HB2

## North Carolina's HB2 Is Similar

### Legalizing Hatred: Mississippi Gov. Bryant's Legacy Of Discrimination Continues

Governor Phil Bryant signed a bill that aims to legalize hatred into law, once again assuring that his legacy will be one built on hate and discrimination against others.

The innocuous-sounding HB 1523, "Protecting Freedom of Conscience from Government Discrimination Act," also known as the "Religious Freedom Act," has nothing to do with freedom or conscience and everything to do with discrimination.

It is hatred. It is discrimination. And it is consistent with a state and governor who dedicated the month of April as Confederate Heritage Month to elevate and celebrate a heritage rooted in slavery and white supremacy. It is consistent with a state government that allows a symbol of hate and discrimination, the State Flag, to wave over its Capitol.

Governor Bryant and legislators argued that this law only provides protection to those who want to discriminate against others based upon their "sincerely held religious belief or moral conviction." But this language isn't new.

It mirrors a sincerely held religious belief and moral conviction, once held by many and still held by some that African-Americans are only suited for slavery.

The long years of Jim Crow laws were also based on sincerely held religious belief and moral conviction for many Mississippians.

There was a time when intermarrying between whites and blacks was prohibited because of a sincerely held religious belief and moral conviction by many Mississippians.

There was also a time in this state when many had a sincerely held religious belief and moral conviction that black children and white children couldn't be educated in the same schools.

And now this same language is being used to deny another group of people their basic and legal rights.

Those sincerely held religious beliefs and moral convictions to discriminate were wrong then as is your justification to discriminate today is wrong.

Governor Bryant's proclaiming April Confederate Heritage Month without recognizing and apologizing for the slavery system which was the impetus for the Confederacy, failing to address the hateful symbol, the Rebel Battle flag, embodied in the state flag, signing into law a bill that calls for open discrimination against the LGBT community, and supporting a coming bill that potentially strips women from access to health services - is a repugnant display and a continuing attack on the people of the state of Mississippi.

It is truly troubling to know that Mississippi has yet to learn from its past as it continues to discriminate and try to divide its citizens.

As a group of legal scholars have noted in a jointly signed memorandum, the new law also raises possible issues with the Establishment Clause of the U.S. Constitution. This



Mississippi NAACP Derrick Johnson

Martin Niemöller (1892-1984) was a prominent Protestant pastor who emerged as an outspoken public foe of Adolf Hitler and spent the last seven years of Nazi rule in concentration camps.

*Niemöller is perhaps best remembered for the quotation:*

*First they came for the Socialists, and I did not speak out - Because I was not a Socialist.*

*Then they came for the Trade Unionists, and I did not speak out - Because I was not a Trade Unionist.*

*Then they came for the Jews, and I did not speak out - Because I was not a Jew.*

*Then they came for me - there was no one left to speak for me.*

law will undoubtedly result in Mississippi being engaged in unnecessary litigation costing taxpayers and further diminishing the State's image. Specifically the scholars state: "(w)" share the view of Justice Kennedy when he expressed that a bare . . . desire to harm a politically unpopular group cannot constitute a legitimate governmental interest, and would add that neither can such a desire be justified in the name of religious liberty. HB 1523 presents a conflict with First Amendment religious freedom doctrine by providing for religious exemptions that will meaningfully harm the rights of others, particularly LGBT Mississippians."

This blatant legalization of hatred and discrimination is more than simply a slippery slope. It is yet another stone on a well-trodden path of inequality, intolerance, and injustice.

Citizens of conscience who have a sincerely held belief and a moral conviction not to discriminate against others, should join and not to patronize any business that seeks to discriminate against others under the cover of this law.

While this bill specifically targets members of the LGBT community, its language can also be used to attack unmarried individuals and those who are sexually active. Just as the law permits a gay married couple to be denied services for their wedding, so does it permit a single mother to be denied services for her baby shower.

As Martin Niemöller's poem reminds us, just because the group or community to which you belong is not the one currently under attack does not mean your rights and the rights of those you identify with won't be the next to fall.

The machinery of hate is never satisfied. If Mississippians do not stand together now, there may be no one to stand when the governor makes it legal to hate you.

If we want to pursue a state policy that promotes a sincerely held religious belief and moral conviction I would think it should be to love thy neighbor.

### A Statement from Bruce Springsteen on North Carolina BRUCE SPRINGSTEEN · FRIDAY, APRIL 8, 2016

As you, my fans, know I'm scheduled to play in Greensboro, North Carolina this Sunday. As we also know, North Carolina has just passed HB2, which the media are referring to as the "bathroom" law. HB2 - known officially as the Public Facilities Privacy and Security Act - dictates which bathrooms transgender people are permitted to use. Just as important, the law also attacks the rights of LGBT citizens to sue when their human rights are violated in the workplace. No other group of North Carolinians faces such a burden. To my mind, it's an attempt by people who cannot stand the progress our country has made in recognizing the human rights of all of our citizens to overturn that progress. Right now, there are many groups, businesses, and individuals in North Carolina working to oppose and overcome these negative developments. Taking all of this into account, I feel that this is a time for me and the band to show solidarity for those freedom fighters. As a result, and with deepest apologies to our dedicated fans in Greensboro, we have canceled our show scheduled for Sunday, April 10th. Some things are more important than a rock show and this fight against prejudice and bigotry - which is happening as I write - is one of them. It is the strongest means I have for raising my voice in opposition to those who continue to push us backwards instead of forwards.

Bruce Springsteen and the E Street Band's Sunday April 10th show is canceled. Tickets will be refunded at point of purchase.

bruce.springsteen.net

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