



Written by [Staff](#) on January 23, 2017

Published in the January 23, 2017 issue of [the New American](#) magazine. Vol. 33, No. 02

North Carolina Falsely Called Out

Item: *After the North Carolina state legislature chose not to repeal H.B. 2, the “bathroom bill,” in late December, the New York Times attacked the Tarheel State in a December 22 op-ed piece entitled “North Carolina Doubles Down on Bigotry.” Describing the failed efforts of the incoming Democrat Governor, Roy Cooper, to convince the legislature to repeal the controversial bill, the Times editorial board wrote:*

After state lawmakers wrapped up a special session on Wednesday night, having failed to revoke the law, known as H.B. 2, their message was clear. The Republican-dominated legislature, the General Assembly, would rather allow discrimination against gays and lesbians and peddle malicious stereotypes about transgender people than undo a colossal mistake that has cost the state hundreds of jobs and millions of dollars worth of investment.

The piece went on to say, “Litigation may be the most effective means to strike down this unjust law, but definitive rulings may take several months,” adding:

Until that happens, transgender people in particular will endure discrimination with little legal recourse. The findings of a recent survey of transgender people conducted by the National Center for Transgender Equality shows how pernicious the damage can be. It found that 29 percent of transgender people in the United States live in poverty, when the national average is 14 percent; joblessness is rampant; and one third of transgender Americans have been homeless at some point in their life.

It’s unconscionable that North Carolina’s lawmakers would go out of their way to stigmatize and injure this vulnerable population.

Item: *Just three days before publishing that op-ed hit-piece, the [New York Times](#) was predicting that H.B. 2 would likely be repealed. Under the headline “North Carolina Limits on Transgender Rights Appear Headed for Repeal,” Richard Fausset wrote for the New York Times online edition for December 19:*

The North Carolina legislature plans to hold a special session Wednesday to consider fully repealing the contentious law curbing legal protections for lesbian, gay, bisexual and transgender people. The move comes after the Charlotte City Council rescinded a local anti-discrimination ordinance on Monday that had prompted passage of the statewide law in March.

Correction: While playing to fears of financial repercussions and sowing the seeds of guilt over the supposed mistreatment of the “vulnerable” LGBT “population,” the *New York Times* continues the trend of the liberal media reporting on H.B. 2 as a law “curbing legal protections for lesbian, gay, bisexual and transgender people.” The reader is left with the impression that the law regulates — with the *power of law* — the use of restrooms, changing rooms, locker rooms, and other intimate facilities across the whole state and leaves no room for individual businesses to set their own policies.

In reality, the bill does almost the exact opposite. It removes government almost entirely from the equation.

The battle over bathrooms in North Carolina did not begin in Raleigh; it began in Charlotte. In February 2016, the Charlotte City Council approved an ordinance that would require all businesses in the city to allow any man or woman who claims to “identify” as the opposite sex to use whichever restroom or



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changing room facilities they “feel” is appropriate to their “gender identity.” In response, Governor Pat McCrory called a one-day specially convened session on March 23, and the legislature passed H.B. 2 (the Public Facilities Privacy and Security Act) to establish a state-wide standard allowing businesses to set their own policies. The bill was immediately attacked as “discriminatory” and “bigoted.”

The city of Charlotte attempted to do what the state of North Carolina is *accused* of doing — regulate, by the *power of law*, access to restrooms and other intimate facilities. The liberal media — the *New York Times* included — positively praised the Charlotte ordinance. Why the praise?

The difference is that Charlotte’s ordinance made it illegal for individual businesses to make their own policies, which might restrict those facilities to the biological reality of a person’s sex, and H.B. 2 left it up to those businesses to make policies consistent with the values of the people running those businesses.

But, wait: Doesn’t H.B. 2 create a situation where “transgender people in particular will endure discrimination with little legal recourse?” Given that nearly all coverage of H.B. 2 in the liberal media includes some variation of this claim, it is something akin to received wisdom that the law is “discriminatory.” But is it so?

It is obvious that those who make such claims have either not read H.B. 2 or are deliberately being dishonest about it. H.B. 2 does not bar any company from allowing “transgendered” persons from using the restroom or changing room of the opposite sex. Proof of that can be seen in the “inclusive” policy of Target department stores operating in cities all across the Tarheel State. While Target has backpedaled and begun constructing unisex, single-occupancy “family” restrooms in all of its stores nationwide, the company is free to continue allowing guests and employees to use whichever restroom or changing room they prefer. Even in North Carolina.

The closest H.B. 2 comes to what the *New York Times* describes is that it *does* specify that in buildings under the control of the government of North Carolina (such as courthouses, schools, state parks, etc.), men may not use a “multiple occupancy bathroom or changing facility” that is designated for women and women may not use a “multiple occupancy bathroom or changing facility” that is designated for men. But even where those buildings are concerned, the law allows “transgenders” to use single-occupancy facilities of the opposite sex. In fact, § 115C-521.2 (c) says:

Nothing in this section shall prohibit local boards of education from providing accommodations such as single occupancy bathroom or changing facilities or controlled use of faculty facilities upon a request due to special circumstances, but in no event shall that accommodation result in the local boards of education allowing a student to use a multiple occupancy bathroom or changing facility designated under subsection (b) of this section for a sex other than the student’s biological sex.

And § 143-760 (c) says:

Nothing in this section shall prohibit public agencies from providing accommodations such as single occupancy bathroom or changing facilities upon a person’s request due to special circumstances, but in no event shall that accommodation result in the public agency allowing a person to use a multiple occupancy bathroom or changing facility designated under subsection (b) of this section for a sex other than the person’s biological sex.

So while the *New York Times* would portray the law as being based in “discrimination against gays and



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lesbians” and “malicious stereotypes about transgender people,” the facts — based on any honest reading of the law — show that nothing could be further from the truth. The only prohibitions to “outies” using the restrooms or changing rooms designated for “innies” (or vice versa) under H.B. 2 is in government buildings such as schools. Even then, the law allows a person suffering from a mental disorder causing them to be confused about their external plumbing to use a “single occupancy bathroom or changing” room, even if the sign on the door says it is for the opposite sex.

While the *New York Times* says, “It’s unconscionable that North Carolina’s lawmakers would go out of their way to stigmatize and injure this vulnerable population,” the reality is that it’s liberals who — in their efforts to reshape the cultural fabric of America — are using the LGBT crowd as cannon fodder in the culture war. While casting their actions in terms of “compassion” and “inclusiveness,” the *New York Times* joins other liberals in exploiting those poor souls who suffer from the well-documented mental illness known as Gender Dysphoria to push their liberal agenda. In citing the study conducted by the National Center for Transgender Equality that shows that the poverty rate of “transgenders” is more than twice as high as the national average and that unemployment and homelessness are also disproportionately higher, the *New York Times* conveniently ignores the fact that mentally ill people of all stripes often fall into those same categories. If the *New York Times* really sees “transgenders” as a “vulnerable population,” the exploitation is all the more inexcusable.

— C. Mitchell Shaw



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