



Written by [Warren Mass](#) on July 22, 2016

NBA Moving All-Star Game From Charlotte, N.C. Because of HB2 “Bathroom Law”

The NBA announced on July 21 it will relocate the 2017 All-Star Game from Charlotte, blaming “the climate created by HB2” — North Carolina’s law, which liberals claim requires every multiple occupancy bathroom or changing facility to be designated for and only used by persons based on their biological sex. What the law actually does is remove government almost entirely from the equation by setting aside all city or county ordinances requiring private businesses to open all intimate facilities to transgenders based on their “gender identity.” The purpose of this legislation is found in its title, the “Public Facilities Privacy & Security Act.” The closest the law comes to the liberal interpretation is that it requires that intimate facilities in *government* buildings such as public schools may only be used by persons based on their biological sex.



The law does not “discriminate” against those individuals who consider themselves to be “transgender,” because it allows such individuals to use a single occupancy bathroom or changing facility that is designated as “unisex.”

The NBA’s statement, which was posted on the leagues’ website, read, in part:

The 2017 All-Star Game will be played somewhere other than Charlotte next February, relocated in keeping with the NBA’s stance on a controversial state law it believes discriminates against members of the LGBT community, the league announced Thursday [July 21].

The NBA asserted that HB2 “discriminates against people who would use public restrooms and locker rooms based on their self-defined gender identity.”

The sole purpose of the law (as its name implies) is to protect the privacy and security of those individuals who feel that these rights would be threatened by allowing people of the opposite biological sex (stated on that person’ birth certificate) who arbitrarily proclaim themselves to be “transgender” from entering facilities reserved for the opposite sex.

North Carolina Governor Pat McCrory was quick to condemn the NBA’s decision while speaking on WFAE’s Charlotte Talks radio program on the morning of July 22. He said, “I’m disappointed. I strongly disagree with their decision. To put it bluntly it’s total P.C. BS. It’s an insult to our city and an insult to our state.”



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McCrorry said he believes the NBA is practicing “selective outrage” over the issue and also disagreed with the criticism of HB2 by three of the state’s leading college basketball coaches, including Duke University’s Mike Krzyzewski, who said the legislation is “embarrassing.”

“I disagree with those three coaches,” McCrorry said. “I doubt they have read HB2. I haven’t [read] their playbooks either. I do think there is a politically correct elite that is having selective outrage.”

Given the fairly non-intrusive and innocuous nature of HB2, which does not force anyone to use a particular restroom but merely protects the privacy of those who require it, it seems surprising that it should be controversial at all. However, the promoters of political correctness and of special privileges for manufactured minorities know no limits when stirring up controversy to fuel their agenda. The controversy has caused a number of celebrities in the entertainment industry to cancel performances in North Carolina. In April, Bruce Springsteen canceled a concert in Greensboro and Ringo Starr and the bands Pearl Jam and Boston have also canceled shows. Considering the leftist nature of most people in the entertainment industry, this is not surprising, but professional sports does not have as “liberal” a reputation as the entertainment industry, so the NBA’s position may be hard for many to understand.

It has been only in recent years that “transgenderism” has even had a name, not to mention been used to create an entirely new category of victims of discrimination. In fact, not long ago, this condition was regarded by those in the mental health profession as a disorder. An [article posted by The New American last May](#), cited such an opinion by Dr. Paul McHugh, M.D., who is university distinguished service professor of psychiatry at Johns Hopkins Medical School and the former psychiatrist in chief at Johns Hopkins Hospital. McHugh, noted the article, explained how his profession regarded what is now called “transgenderism” as a disorder until very recently. The article continues:

[McHugh] explains this very clearly in an [article](#) published by The Witherspoon Institute last year. In fact, it was only fairly recently that the term [Gender Identity Disorder](#) was replaced by the term Gender Dysphoria. That was done to remove the “mental disorder” stigma while still allowing a medical diagnosis to be given so that insurance would pick up the cost for “Gender Reassignment Surgery.” Now, Gender Dysphoria is also considered stigmatic and has been replaced again with the politically correct Transgenderism. Perhaps it is the *practice* and not the *title* which causes the stigma. Persons suffering under this delusion need treatment of the mind, not the body.

However one regards the causes of what impels a person to identify himself or herself as a member of the gender that is opposite of the biological sex they were born with, this controversy raises the question of what response — if any — government at any level should take. Shortly after North Carolina passed HB2, the Justice Department and Education Department each informed North Carolina that the law was a violation of the Obama administration’s interpretation of Title VII and Title IX of the Civil Rights Act of 1964. These provisions banned discrimination because of such individual’s race, color, religion, sex, or national origin. Since the word “sex” in that act obviously referred to a person’s male or female biological sex, to apply that wording to a transgender person is nothing short of ludicrous. However, even in its original context, the Civil Rights Act of 1964 was a landmark case of the federal government going beyond its constitutional mandate to usurp power that was reserved to the states. (It was for this reason that the late Senator Barry Goldwater, the Republican Party’s 1964 candidate for president, voted against that legislation.)

Short of repealing that act, a state’s best bet for keeping the federal government off its back in such case is simply not to accept any federal aid, so it will not be held hostage to federal threats to cut off such aid if it does not comply with Title VII and Title IX.



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The NBA, as a private business, should have the legal right to withhold its business if it disagrees with North Carolina's law, but that decision is a morally misguided one and may be the result of pressure being exerted by powerful forces lobbying for the LGBT community.

Most of North Carolina's citizens expect privacy when they use a public restroom, and the state has found it necessary to use the force of law to ensure this right, though in a sane society, such a law would not be needed.

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