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McCrory suggests tweaks possible to new NC law as others weigh in on controversy

By Richard Craver Winston-Salem Journal | March 31, 2016

Gov. Pat McCrory and a key state senator are suggesting that some tweaks are possible down the road for the new state law restricting local government action on LGBT protections that has received calls for repeal from gay-rights groups and corporations nationwide.

In a video message this week defending his decision to sign the law, McCrory offered to “work on solutions that will make this bill better in the future.” He didn’t provide suggestions but reaffirmed that the law was needed to ensure privacy for people using restrooms and locker rooms.



Pat McCrory: McCrory - Gerry Broome/Associated Press

N.C. Sen. Tom Apodaca, the chairman of the Senate Rules Committee, said in an interview Wednesday that some small changes were possible.

For example, Apodaca said, a transgender woman told him that she is unable to change the gender on her out-of-state birth certificate, preventing her from using the bathroom aligned with her gender identity.

The General Assembly reconvenes April 25.

The consider of possible adjustment comes as out-of-state lawmakers explore the state’s vulnerability with corporations opposed to the new anti-discrimination law.

Perhaps the boldest comes from Gov. Dannel Malloy of Connecticut, a Democrat, who sent letters Wednesday to corporations with operations in North Carolina asking them to consider moving to his state if they feel compelled to leave because of the passage of House Bill 2.

“Wittingly or unwittingly, the HB 2 bill sends a message to the world: North Carolina is closed minded when it comes to human rights and does not celebrate the LGBT community,” Malloy wrote.

McCrory has attacked local and national media for their coverage of the new law and had state agencies release an 18-point “myth vs. reality” fact-check list, which already has been criticized for alleged inaccuracies or incomplete answers.

N.C. Senate President Pro Tem Phil Berger, R-Rockingham, is urging North Carolinians to sign a petition at www.standwithmccrory.com.

Other provisions

The law, which takes effect Friday, prevents cities and counties from passing their own anti-discrimination rules, dealing a blow to the LGBT movement after having success with protections in cities across the country.

The bill requires people to use public restrooms based on the gender listed on their birth certificates.

In addition, the bill bars cities and counties from requiring a private contractor to pay a set wage in order to bid on projects. It also takes away state court as an option for people suing for wrongful termination related to discrimination.

More than 100 corporations have signed a letter to McCrory urging him to repeal or revise the law.

And several states, including New York and Washington state, and cities have barred their employees from traveling to North Carolina on most official business.

Malloy spokesman Devon Puglia said the letter has been sent to “numerous businesses. We’re not going to get into which specifically.”

Malloy began his two-page letter with “as you already know, North Carolina has generated national news, with Republican Gov. Pat McCrory signing discriminatory, anti-LGBT measures into law.” He said the resulting “national backlash may be uncondusive to the success of your company.”

Malloy touted “that we in Connecticut are quite the opposite. In our state, your employees and customers would not face such institutional discrimination. We are welcoming and inclusive.”

The Malloy letter was just one of several political challenges aimed recently at North Carolina.

Democrats in the state House in West Virginia, who are in the minority, said in a “Dear North Carolina” Facebook posting Friday that “due to your recent discriminatory law and the subsequent businesses considering moving out of your state, we would like to take this time to welcome those businesses to West Virginia. West Virginia is open for business ... for everyone.”

The Atlanta City Council appealed to the National Basketball Association to move its 2017 All-Star Game from Charlotte to Atlanta. The NBA responded by saying it is “hopeful that the city of Charlotte and the state of North Carolina can work through their differences far in advance” of the game.

Governors balk at bills

Critics of McCrory and the bill say he is becoming “increasingly isolated” compared with neighboring governors’ stances on discrimination bills, such as Democratic Gov. Terry McAuliffe of Virginia and Republican Gov. Nathan Deal of Georgia, who vetoed similar bills in their states.

“Companies and tourists looking to do business in states that don’t promote discrimination will have plenty of options outside of North Carolina,” said the Democratic Governors Association. “Even South Carolina has allowed local non-discrimination ordinances in cities, like Columbia and Charleston, to stay in effect.”

U.S. Sen. Richard Burr, R-N.C., said in an interview with Durham television station WTVD about the new law that “I’ll leave it up to the courts to determine whether the state does this, but there’s no room for discrimination in America, and I think this bill does not discriminate because it embraced what’s in the Title VII statute.”

Title VII, part of the federal Civil Rights Act of 1964, bars employers from discriminating against employees on the basis of gender, sex, race, color, national origin and religion.

“Nothing can throw cold water on a hot business climate like social legislation that even hints of discrimination,” said John H. Boyd, a principal at the Boyd Co., a corporate site-selection company in Princeton, N.J.

“Fueled by the media and the 24-hour news cycle, companies are not just voicing their objections to these types of religious freedom bills but are increasingly taking a proactive position in working within the legal system to ensure the communities in which they operate are open and welcoming to all, gay, straight and LGBT,” Boyd said.

“At the end of the day, our site-seeking clients want to be able to recruit and retain the best workers locally and nationally in an environment that has not the slightest hint of discrimination or exclusion,” he said.

The Associated Press contributed to this report.