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Address Announcing Complaint Against the U.S. Government re Transgender Law

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Our nation is dealing with a very new, complex, and emotional issue: how to balance the expectations of privacy and equality in one of the most private areas of our lives -- restrooms, locker rooms, or public shower facilities.

This was not a North Carolina state agenda. No one in North Carolina was talking about bathroom policy until the Charlotte City Council imposed a mandate on private businesses. This mandate required, with potential penalty of fine, access to restrooms, locker rooms, or shower facilities be based upon one's gender identity or gender expression.

A similar policy was rejected just months earlier by the voters of Houston Texas, by 61% of the vote.



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This caused major privacy concerns about males entering female facilities, or, females entering male facilities. Our state legislature believe this was an unnecessary government over-reach into the private sector, imposing regulations and impacting one's personal privacy. The state legislature and this governor also believe that guidelines then needed be put in place, because of this new public topic, for government buildings, our schools, and our rest stops to ensure privacy, and expectation of privacy, for everyone.

Now, just five days ago the U.S. Department of Justice sent letters to my office, the Department of Public Safety, which reports to this governor, and to the University [of North Carolina] System suggesting that having government employees use the bathroom, locker room, or shower facility that corresponds to their biological sex is in conflict with federal policy. The Department of Justice asked all parties to set aside their constitutional duty and refuse to follow or enforce our state law. This was a substantial request with very serious implications, and the U.S. Government gave us a mere three business days to respond to this letter.

We asked, on Friday, the Department of Justice for additional time. In fact, we asked for an additional two weeks. But they refused -- unless I made a statement where I would publicly agree with their interpretation of federal law, and if I did, they would give me one additional week to respond. I could not agree to that because I do not agree with their interpretation of federal law. That is why this morning I have asked a federal court to clarify what the law actually is.

Now, I anticipate our own legislature, other private sector entities from throughout the United States, and possibly other states to join us in seeking this clarification, because this is not just a North Carolina issue. This is now a national issue and an issue which imposes new law on every private sector employer throughout the United States of America with over 15 employees.

We believe a court, rather than a federal agency, should tell our state, our nation, and employers across the country what the law requires.



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And let me say something: Our nation is one nation, especially when it comes to fighting discrimination, which I support wholeheartedly.

Ultimately, I think it's time for the U.S. Congress to bring clarity to our national anti-discrimination provisions under Title VII and Title IX.

Let me repeat that one more time to all of our U.S. Representatives and the leaders of both the Republican and Democratic parties in Congress: Ultimately, I think it's time for the U.S. Congress to bring clarity to our national anti-discrimination provisions under Title VII and Title IX.

Now, right now the Obama Administration is bypassing Congress by attempting to rewrite the law and set basic restroom policies, locker room policies, and even shower policies for public and private employers across the country, not just North Carolina.

Now, I am still asking the North Carolina legislature to reinstate the ability to sue for wrongful termination for discrimination in state court. I encourage them to do this and do it quickly. I also welcome additional dialogue with the City of Charlotte and our state legislature with has - - which has been ongoing for the past week.

And I want to ensure the people of our state and our country that North Carolina has long-held traditions of ensuring equality.

The majority of our citizens and our great state and this governor did not seek out this issue. However, the state of North Carolina and this governor welcome the opportunity to be part of the solution for all of the states and especially our nation -- the greatest nation, the United States of America.

Thank you very much.