

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO, et al.,

Plaintiffs,

v.

PATRICK MCCRORY, et al.,

Defendants.

No. 1:16-cv-00236-TDS-JEP

DECLARATION OF LUKE C. PLATZER

1. I am a member of the bar of the State of New York and of the District of Columbia and have been specially admitted to this Court pursuant to L.R. 83.1(d). I am a partner in the law firm Jenner & Block LLP, counsel for Plaintiffs in this action. I make this declaration on personal knowledge, in support of Plaintiffs' Motion for a Preliminary Injunction.

2. Attached as Exhibit A to this declaration is a true and correct copy of N.C. House Bill 2, 2d Extra Sess. (2016) (Sess. Law 2016-3), *available at* <http://www.ncleg.net/Sessions/2015E2/Bills/House/PDF/H2v4.pdf>.

3. Attached as Exhibit B to this declaration is a true and correct copy of Charlotte Ordinance No. 7056, Ordinance Book 59, Page 743 (Feb. 22, 2016), *available at* https://www2.municode.com/library/nc/charlotte/codes/code_of_ordinances.

4. Attached as Exhibit C to this declaration is a true and correct copy of Memorandum from City Attorney Robert E. Hagemann, City of Charlotte, to Mayor and City Council (Feb. 3, 2016), *available at*

<http://charlottenc.legistar.com/gateway.aspx?M=F&ID=3f33c901-4c64-4011-9355-6fda5ee4e240.pdf>.

5. Attached as Exhibit D to this declaration is a true and correct copy of Charlotte City Council Meeting Minutes (Feb. 22, 2016), *available at*

<http://charmeck.org/city/charlotte/CityClerk/Minutes/February%2022,%202016.pdf>.

6. Attached as Exhibit E to this declaration is a true and correct copy of Steve Harrison, *Charlotte City Council Approves LGBT Protections in 7-4 Vote*,

Charlotte Observer (Feb. 22, 2016), <http://www.charlotteobserver.com/news/politics-government/article61786967.html>.

7. Attached as Exhibit F to this declaration is a true and correct copy of Steve Harrison, *McCrorry: If Charlotte Approves LGBT Protection, 'Immediate' State Response Likely*, Charlotte Observer (Feb. 22, 2016),

<http://www.charlotteobserver.com/news/politics-government/article61307857.html>.

8. Attached as Exhibit G to this declaration is a true and correct copy of Adam Lawson, *Local Legislators Vow to Reverse Charlotte LGBT Ordinance*, Lincoln

Times-News (Feb. 23, 2016) <http://www.lincolntimesnews.com/2016/02/23/local-legislators-vow-to-reverse-charlotte-lgbt-ordinance/>.

9. Attached as Exhibit H to this declaration is a true and correct copy of Colleen Jenkins, *N.C. City's Vote To Expand Transgender Rights Draws State*

Opposition, Reuters (Feb. 23, 2016), <http://www.reuters.com/article/us-north-carolina-transgender-idUSKCN0VW295>.

10. Attached as Exhibit I to this declaration is a true and correct copy of Jim Morrill, *NC House Speaker Weighs Special Session on Charlotte LGBT Ordinance*, News & Observer (Feb. 25, 2016), <http://www.newsobserver.com/news/politics-government/state-politics/article62475792.html>.

11. Attached as Exhibit J to this declaration is a transcript, prepared at my direction, of Ben Brown, Video Interview, *Speaker Tim Moore on Transgender Bathrooms*, News & Observer (Feb. 25, 2016), <http://www.newsobserver.com/news/politics-government/state-politics/article62503082.html>.

12. Attached as Exhibit K to this declaration is a true and correct copy of Amy Elliott, *Group Rallies Against Proposed Special Session on Non-Discrimination Ordinance*, Time Warner Cable News (Central N.C.) (Mar. 17, 2016), <http://www.twcnews.com/nc/triangle-sandhills/news/2016/03/17/group-rallies-against-proposed-special-session-on-charlotte-s-non-discrimination-ordinance.html>.

13. Attached as Exhibit L to this declaration is a true and correct copy of Joe Killian, *General Assembly May Hold Special Session to Block New Charlotte LGBT Protections*, Greensboro News & Record (Feb. 25, 2016), http://www.greensboro.com/news/general-assembly-may-hold-special-session-to-block-new-charlotte/article_e22def62-350c-51d5-b558-223520146afc.html.

14. Attached as Exhibit M to this declaration is a true and correct copy of Jim Morrill, *Republican Lawmakers Blast Charlotte's LGBT Protections*, News & Observer (Mar. 3, 2016), <http://www.newsobserver.com/news/politics-government/politics-columns-blogs/under-the-dome/article63893592.html>.

15. Attached as Exhibit N to this declaration is a true and correct copy of *Quotes of the Week*, Salisbury Post (Mar. 25, 2016), <http://www.salisburypost.com/2016/03/25/quotes-of-the-week-142/>.

16. Attached as Exhibit O to this declaration is a true and correct copy of Carolyn Steeves, *Legislature Trumps Charlotte; Overrules Non-Discrimination Ordinance*, Monroe Enquirer Journal (Mar. 24, 2016), http://www.enquirerjournal.com/news/legislature-trumps-charlotte-overrules-non-discrimination-ordinance/article_0d8957a8-f1f9-11e5-a391-f7d5aaa51078.html.

17. Attached as Exhibit P to this declaration is a true and correct copy of Mark Binker, *McCrorry Opposes Charlotte Bathroom Law But Doesn't Want a Special Session*, WRAL (Feb. 29, 2016), <http://www.wral.com/mccrorry-opposes-charlotte-bathroom-law-but-doesn-t-want-a-special-session/15450101/>.

18. Attached as Exhibit Q to this declaration is a true and correct copy of N.C. House Speaker Tim Moore (@NCHouseSpeaker), *I have received...*, Twitter (Mar. 3, 2016, 12:35 PM), <https://twitter.com/nchousespeaker/status/705491809762480128>.

19. Attached as Exhibit R to this declaration is a true and correct copy of Colin Campbell, *Leaders Aren't Releasing Bill for Wednesday's NC Special Session on*

Bathroom, Charlotte Observer (Mar. 22, 2016),

<http://www.charlotteobserver.com/news/politics-government/article67566492.html>.

20. Attached as Exhibit S to this declaration is a transcript, prepared at my direction, of Proceedings of the N.C. House of Representatives, 2d Extra Sess., 1st Legis. Day at 0:10:00-0:11:09 (Mar. 23, 2016), *available at*

<http://www.ncleg.net/DocumentSites/HouseDocuments/2015-2016%20Session/Audio%20Archives/2016/03-23-2016.mp3>.

21. Attached as Exhibit T to this declaration is a true and correct copy of Henry Gargan, *Triangle Governments Scramble to Decipher Law's Impact*, News & Observer (Mar. 24, 2016), <http://www.newsobserver.com/news/politics-government/article68123457.html>.

22. Attached as Exhibit U to this declaration is a true and correct copy of Steve Harrison, *NC Gov Pat McCrory Signs into Law Bill Restricting LGBT Protections*, Charlotte Observer (Mar. 23, 2016), <http://www.charlotteobserver.com/news/local/article67845317.html>.

23. Attached as Exhibit V to this declaration is a true and correct copy of Associated Press, *McCrory Signs Bill Blocking LGBT Protections, Carteret County News-Times* (Mar. 23, 2016), http://www.carolinacoastonline.com/news_times/article_fc962d82-f16b-11e5-ba84-cf764fa25188.html.

24. Attached as Exhibit W to this declaration is a true and correct copy of Camila Domonoske, *North Carolina Passes Law Blocking Measures to Protect LGBT*

People, NPR (Mar. 24, 2016), <http://www.npr.org/sections/thetwo-way/2016/03/24/471700323/north-carolina-passes-law-blocking-measures-to-protect-lgbt-people>.

25. Attached as Exhibit X to this declaration is a true and correct copy of N.C. Exec. Order 93 (Apr. 12, 2016), *available at* https://ncgovernor.s3.amazonaws.com/s3fs-public/documents/files/McCrory%20EO%2093_0.pdf.

26. Attached as Exhibit Y to this declaration is a true and correct copy of Colin Campbell, *McCrory Distances Himself from Sexual Predator Claims Backing House Bill 2*, News & Observer (Apr. 29, 2016), <http://www.newsobserver.com/news/politics-government/politics-columns-blogs/under-the-dome/article74648442.html>.

27. Attached as Exhibit Z to this declaration is a true and correct copy of Fox News Sunday, *Manafort on Trump's Fight To Rally GOP, Defeat Democrats; Governor McCrory on Showdown over NC's Transgender Bathroom Law*, Fox News (May 8, 2016), <http://www.foxnews.com/transcript/2016/05/08/manafort-on-trump-fight-to-rally-gop-defeat-democrats-gov-mccrory-on-showdown/>.

28. Attached as Exhibit AA to this declaration is a true and correct copy of Letter from Margaret Spellings, President, UNC, to Vanita Gupta, Principal Dep. Asst. Att'y Gen., U.S. Dep't of Justice (May 9, 2016), *available at* http://www.northcarolina.edu/sites/default/files/05_09_16_letter_to_doj.pdf.

29. Attached as Exhibit AB to this declaration is a true and correct copy of Press Release, UNC, *Statements Following Special Meeting of the UNC Board of Governors* (May 10, 2016), available at http://www.northcarolina.edu/sites/default/files/statements_following_special_meeting_of_the_unc_board_of_governors.pdf.

30. Attached as Exhibit AC to this declaration is a true and correct copy of Letter from James A. Ferg-Cadima, U.S. Dep't of Educ. Office of Civil Rights (Jan. 7, 2015), *exhibit B to Statement of Interest of the United States* (D.E. 28, 28-2), *G.G. v. Gloucester County Sch. Bd.*, No. 4:15-cv-00054 (E.D. Va. filed June 29, 2015), available at <https://www.justice.gov/sites/default/files/crt/legacy/2015/07/09/gloucestersoi.pdf>.

31. Attached as Exhibit AD to this declaration is a true and correct copy of Letter from Catherine E. Lhamon, Asst. Sec. for Civil Rights, U.S. Dep't of Educ, and Vanita Gupta, Principal Dep. Asst. Att'y Gen. for Civil Rights, U.S. Dep't of Justice (May 13, 2016), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>.

32. Attached as Exhibit AE to this declaration is a true and correct copy of N.C. Governor Patrick McCrory (@PatMcCroryNC), *Ordinance defied common...*, Twitter (Mar. 23, 2016, 7:16 PM), <https://twitter.com/PatMcCroryNC/status/712825502772269056>.

33. Attached as Exhibit AF to this declaration is a true and correct copy of Michael Gordon, *Critics Say New Law Targets LGBT and Undermines Workplace*

Protections, Charlotte Observer (Mar. 24, 2016),

<http://www.charlotteobserver.com/news/politics-government/article68103427.html>.

34. Attached as Exhibit AG to this declaration is a true and correct copy of Memorandum from U.S. Att’y Gen. to U.S. Attorneys (Dec. 15, 2014), *available at* <https://www.justice.gov/file/188671/download>.

35. Attached as Exhibit AH to this declaration is a true and correct copy of *Sommerville v. Hobby Lobby Stores*, Charge Nos. 2011CN2993/2011CP2994 (Ill. Hum. Rts. Comm’n May 15, 2015).

36. Attached as Exhibit AI to this declaration is a true and correct copy of Brad Sears et al., *Documenting Discrimination on the Basis of Sexual Orientation and Gender Identity in State Employment*, Executive Summary, Williams Institute (2009), *available at* <http://williamsinstitute.law.ucla.edu/wp-content/uploads/ExecutiveSummary1.pdf>.

37. Attached as Exhibit AJ to this declaration is a true and correct copy of Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, Executive Summary, National Center for Transgender Equality and National Gay and Lesbian Task Force (2011), *available at* http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.

38. Attached as Exhibit AK to this declaration is a true and correct copy of Gary J. Gates, *How many people are lesbian, gay, bisexual, and transgender?* Williams Institute (Apr. 2011), *available at* <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>.

39. Attached as Exhibit AL to this declaration is a true and correct copy of Erin Fitzgerald, *A Comprehensive Guide to the Debunked “Bathroom Predator” Myth*, Media Matters for America (May 5, 2016)

<http://www.mediamatters.org/research/2016/05/05/comprehensive-guide-debunked-bathroom-predator-myth/210200>.

40. Attached as Exhibit AM to this declaration is a true and correct copy of U.S. Dep’t of Educ., Office of Elementary and Secondary Educ., Office of Safe and Healthy Students, *Examples of Policies and Emerging Practices for Supporting Transgender Students* (May 2016), available at

<http://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>.

41. Attached as Exhibit AN to this declaration is a true and correct copy of Minn. Dep’t of Health, *Document Requirements to Amend a Birth Record*

<http://www.health.state.mn.us/divs/chs/osr/reqdocs.html>.

42. Attached as Exhibit AO to this declaration is a true and correct copy of Letter from Guy Warner, Director, N.Y. State Dep’t of Health, Bureau of Vital Records (Sept. 28, 2015), available at

<http://www.transequality.org/sites/default/files/docs/id/Instruction%20sheet%2005-23-14.docx#overlay-context=documents/state/new-york>.

43. Attached as Exhibit AP to this declaration is a true and correct copy of Wash. State Dep’t of Health, *Gender Change on a Birth Certificate*,

<http://www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageandDivorce/GenderChange>.

44. Attached as Exhibit AQ to this declaration is a true and correct copy of Press Release, Office of N.C. Gov. Patrick McCrory, *Governor McCrory Takes Action to Protect Privacy and Equality* (Apr. 12, 2016), available at <http://governor.nc.gov/press-release/governor-mccrory-takes-action-protect-privacy-and-equality>.

45. Attached as Exhibit AR to this declaration is a true and correct copy of *Dep't of Fair Emp't and Hous. v. Am. Pac. Corp.*, No. 34-2013-00151153 (Cal. Super. Ct. Mar. 13, 2014).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of May, 2016.



Luke C. Platzer

Declaration of Luke C. Platzer

EXHIBIT A

**GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 2016**

**SESSION LAW 2016-3
HOUSE BILL 2**

1 AN ACT TO PROVIDE FOR SINGLE-SEX MULTIPLE OCCUPANCY BATHROOM AND
2 CHANGING FACILITIES IN SCHOOLS AND PUBLIC AGENCIES AND TO CREATE
3 STATEWIDE CONSISTENCY IN REGULATION OF EMPLOYMENT AND PUBLIC
4 ACCOMMODATIONS.

5 Whereas, the North Carolina Constitution directs the General Assembly to provide for
6 the organization and government of all cities and counties and to give cities and counties such
7 powers and duties as the General Assembly deems advisable in Section 1 of Article VII of the
8 North Carolina Constitution; and

9 Whereas, the North Carolina Constitution reflects the importance of statewide laws
10 related to commerce by prohibiting the General Assembly from enacting local acts regulating
11 labor, trade, mining, or manufacturing in Section 24 of Article II of the North Carolina
12 Constitution; and

13 Whereas, the General Assembly finds that laws and obligations consistent statewide for
14 all businesses, organizations, and employers doing business in the State will improve intrastate
15 commerce; and

16 Whereas, the General Assembly finds that laws and obligations consistent statewide for
17 all businesses, organizations, and employers doing business in the State benefit the businesses,
18 organizations, and employers seeking to do business in the State and attracts new businesses,
19 organizations, and employers to the State; Now, therefore,

20
21 The General Assembly of North Carolina enacts:

22
23
24 **PART I. SINGLE-SEX MULTIPLE OCCUPANCY BATHROOM AND CHANGING**
25 **FACILITIES**

26 **SECTION 1.1.** G.S. 115C-47 is amended by adding a new subdivision to read:

27 "(63) To Establish Single-Sex Multiple Occupancy Bathroom and Changing
28 Facilities. – Local boards of education shall establish single-sex multiple
29 occupancy bathroom and changing facilities as provided in G.S. 115C-521.2."

30 **SECTION 1.2.** Article 37 of Chapter 115C of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 115C-521.2. Single-sex multiple occupancy bathroom and changing facilities.**

33 (a) Definitions. – The following definitions apply in this section:

34 (1) Biological sex. – The physical condition of being male or female, which is
35 stated on a person's birth certificate.

36 (2) Multiple occupancy bathroom or changing facility. – A facility designed or
37 designated to be used by more than one person at a time where students may be
38 in various states of undress in the presence of other persons. A multiple
39 occupancy bathroom or changing facility may include, but is not limited to, a
40 school restroom, locker room, changing room, or shower room.

41 (3) Single occupancy bathroom or changing facility. – A facility designed or
42 designated to be used by only one person at a time where students may be in
43 various states of undress. A single occupancy bathroom or changing facility
44 may include, but is not limited to, a single stall restroom designated as unisex
45 or for use based on biological sex.

46 (b) Single-Sex Multiple Occupancy Bathroom and Changing Facilities. – Local boards of
47 education shall require every multiple occupancy bathroom or changing facility that is designated
48 for student use to be designated for and used only by students based on their biological sex.



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

7 (d) Exceptions. – This section does not apply to persons entering a multiple occupancy
8 bathroom or changing facility designated for use by the opposite sex:

9 (1) For custodial purposes.

10 (2) For maintenance or inspection purposes.

11 (3) To render medical assistance.

12 (4) To accompany a student needing assistance when the assisting individual is an
13 employee or authorized volunteer of the local board of education or the
14 student's parent or authorized caregiver.

15 (5) To receive assistance in using the facility.

16 (6) To accompany a person other than a student needing assistance.

17 (7) That has been temporarily designated for use by that person's biological sex."

18 **SECTION 1.3.** Chapter 143 of the General Statutes is amended by adding a new
19 Article to read:

20 "Article 81.

21 "Single-Sex Multiple Occupancy Bathroom and Changing Facilities.

22 **"§ 143-760. Single-sex multiple occupancy bathroom and changing facilities.**

23 (a) Definitions. – The following definitions apply in this section:

24 (1) Biological sex. – The physical condition of being male or female, which is
25 stated on a person's birth certificate.

26 (2) Executive branch agency. – Agencies, boards, offices, departments, and
27 institutions of the executive branch, including The University of North Carolina
28 and the North Carolina Community College System.

29 (3) Multiple occupancy bathroom or changing facility. – A facility designed or
30 designated to be used by more than one person at a time where persons may be
31 in various states of undress in the presence of other persons. A multiple
32 occupancy bathroom or changing facility may include, but is not limited to, a
33 restroom, locker room, changing room, or shower room.

34 (4) Public agency. – Includes any of the following:

35 a. Executive branch agencies.

36 b. All agencies, boards, offices, and departments under the direction and
37 control of a member of the Council of State.

38 c. "Unit" as defined in G.S. 159-7(b)(15).

39 d. "Public authority" as defined in G.S. 159-7(b)(10).

40 e. A local board of education.

41 f. The judicial branch.

42 g. The legislative branch.

43 h. Any other political subdivision of the State.

44 (5) Single occupancy bathroom or changing facility. – A facility designed or
45 designated to be used by only one person at a time where persons may be in
46 various states of undress. A single occupancy bathroom or changing facility
47 may include, but is not limited to, a single stall restroom designated as unisex
48 or for use based on biological sex.

49 (b) Single-Sex Multiple Occupancy Bathroom and Changing Facilities. – Public agencies
50 shall require every multiple occupancy bathroom or changing facility to be designated for and only
51 used by persons based on their biological sex.

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

57 (d) Exceptions. – This section does not apply to persons entering a multiple occupancy
58 bathroom or changing facility designated for use by the opposite sex:

59 (1) For custodial purposes.

- 1 (2) For maintenance or inspection purposes.
2 (3) To render medical assistance.
3 (4) To accompany a person needing assistance.
4 (4a) For a minor under the age of seven who accompanies a person caring for that
5 minor.
6 (5) That has been temporarily designated for use by that person's biological sex."
7

8 **PART II. STATEWIDE CONSISTENCY IN LAWS RELATED TO EMPLOYMENT AND**
9 **CONTRACTING**

10 **SECTION 2.1.** G.S. 95-25.1 reads as rewritten:

11 "**§ 95-25.1. Short title and legislative purpose; local governments preempted.**

12 (a) This Article shall be known and may be cited as the "Wage and Hour Act."

13 (b) The public policy of this State is declared as follows: The wage levels of employees,
14 hours of labor, payment of earned wages, and the well-being of minors are subjects of concern
15 requiring legislation to promote the general welfare of the people of the State without jeopardizing
16 the competitive position of North Carolina business and industry. The General Assembly declares
17 that the general welfare of the State requires the enactment of this law under the police power of
18 the State.

19 (c) The provisions of this Article supersede and preempt any ordinance, regulation,
20 resolution, or policy adopted or imposed by a unit of local government or other political
21 subdivision of the State that regulates or imposes any requirement upon an employer pertaining to
22 compensation of employees, such as the wage levels of employees, hours of labor, payment of
23 earned wages, benefits, leave, or well-being of minors in the workforce. This subsection shall not
24 apply to any of the following:

- 25 (1) A local government regulating, compensating, or controlling its own
26 employees.
27 (2) Economic development incentives awarded under Chapter 143B of the General
28 Statutes.
29 (3) Economic development incentives awarded under Article 1 of Chapter 158 of
30 the General Statutes.
31 (4) A requirement of federal community development block grants.
32 (5) Programs established under G.S. 153A-376 or G.S. 160A-456."

33 **SECTION 2.2.** G.S. 153A-449(a) reads as rewritten:

34 "(a) Authority. – A county may contract with and appropriate money to any person,
35 association, or corporation, in order to carry out any public purpose that the county is authorized
36 by law to engage in. A county may not require a private contractor under this section to abide by
37 ~~any restriction that the county could not impose on all employers in the county, such as paying~~
38 ~~minimum wage or providing paid sick leave to its employees, regulations or controls on the~~
39 ~~contractor's employment practices or mandate or prohibit the provision of goods, services, or~~
40 ~~accommodations to any member of the public as a condition of bidding on a contract, contract or a~~
41 ~~qualification-based selection, except as otherwise required or allowed by State law."~~

42 **SECTION 2.3.** G.S. 160A-20.1(a) reads as rewritten:

43 "(a) Authority. – A city may contract with and appropriate money to any person,
44 association, or corporation, in order to carry out any public purpose that the city is authorized by
45 law to engage in. A city may not require a private contractor under this section to abide by ~~any~~
46 ~~restriction that the city could not impose on all employers in the city, such as paying minimum~~
47 ~~wage or providing paid sick leave to its employees, regulations or controls on the contractor's~~
48 ~~employment practices or mandate or prohibit the provision of goods, services, or accommodations~~
49 ~~to any member of the public as a condition of bidding on a contract, contract or a~~
50 ~~qualification-based selection, except as otherwise required or allowed by State law."~~

51
52 **PART III. PROTECTION OF RIGHTS IN EMPLOYMENT AND PUBLIC**
53 **ACCOMMODATIONS**

54 **SECTION 3.1.** G.S. 143-422.2 reads as rewritten:

55 "**§ 143-422.2. Legislative declaration.**

56 (a) It is the public policy of this State to protect and safeguard the right and opportunity of
57 all persons to seek, obtain and hold employment without discrimination or abridgement on
58 account of race, religion, color, national origin, age, biological sex or handicap by employers
59 which regularly employ 15 or more employees.

1 (b) It is recognized that the practice of denying employment opportunity and
2 discriminating in the terms of employment foments domestic strife and unrest, deprives the State
3 of the fullest utilization of its capacities for advancement and development, and substantially and
4 adversely affects the interests of employees, employers, and the public in general.

5 (c) The General Assembly declares that the regulation of discriminatory practices in
6 employment is properly an issue of general, statewide concern, such that this Article and other
7 applicable provisions of the General Statutes supersede and preempt any ordinance, regulation,
8 resolution, or policy adopted or imposed by a unit of local government or other political
9 subdivision of the State that regulates or imposes any requirement upon an employer pertaining to
10 the regulation of discriminatory practices in employment, except such regulations applicable to
11 personnel employed by that body that are not otherwise in conflict with State law."

12 **SECTION 3.2.** G.S. 143-422.3 reads as rewritten:

13 **"§ 143-422.3. Investigations; conciliations.**

14 The Human Relations Commission in the Department of Administration shall have the
15 authority to receive charges of discrimination from the Equal Employment Opportunity
16 Commission pursuant to an agreement under Section 709(b) of Public Law 88-352, as amended by
17 Public Law 92-261, and investigate and conciliate charges of discrimination. Throughout this
18 process, the agency shall use its good offices to effect an amicable resolution of the charges of
19 discrimination. This Article does not create, and shall not be construed to create or support, a
20 statutory or common law private right of action, and no person may bring any civil action based
21 upon the public policy expressed herein."

22 **SECTION 3.3.** Chapter 143 of the General Statutes is amended by adding a new
23 Article to read:

24 "Article 49B.

25 "Equal Access to Public Accommodations.

26 **"§ 143-422.10. Short title.**

27 This Article shall be known and may be cited as the Equal Access to Public Accommodations
28 Act.

29 **"§ 143-422.11. Legislative declaration.**

30 (a) It is the public policy of this State to protect and safeguard the right and opportunity of
31 all individuals within the State to enjoy fully and equally the goods, services, facilities, privileges,
32 advantages, and accommodations of places of public accommodation free of discrimination
33 because of race, religion, color, national origin, or biological sex, provided that designating
34 multiple or single occupancy bathrooms or changing facilities according to biological sex, as
35 defined in G.S. 143-760(a)(1), (3), and (5), shall not be deemed to constitute discrimination.

36 (b) The General Assembly declares that the regulation of discriminatory practices in places
37 of public accommodation is properly an issue of general, statewide concern, such that this Article
38 and other applicable provisions of the General Statutes supersede and preempt any ordinance,
39 regulation, resolution, or policy adopted or imposed by a unit of local government or other
40 political subdivision of the State that regulates or imposes any requirement pertaining to the
41 regulation of discriminatory practices in places of public accommodation.

42 **"§ 143-422.12. Places of public accommodation – defined.**

43 For purposes of this Article, places of public accommodation has the same meaning as defined
44 in G.S. 168A-3(8), but shall exclude any private club or other establishment not, in fact, open to
45 the public.

46 **"§ 143-422.13. Investigations; conciliations.**

47 The Human Relations Commission in the Department of Administration shall have the
48 authority to receive, investigate, and conciliate complaints of discrimination in public
49 accommodations. Throughout this process, the Human Relations Commission shall use its good
50 offices to effect an amicable resolution of the complaints of discrimination. This Article does not
51 create, and shall not be construed to create or support, a statutory or common law private right of
52 action, and no person may bring any civil action based upon the public policy expressed herein."

53 **PART IV. SEVERABILITY**

54 **SECTION 4.** If any provision of this act or its application is held invalid, the
55 invalidity does not affect other provisions or applications of this act that can be given effect
56 without the invalid provisions or application, and to this end the provisions of this act are
57 severable. If any provision of this act is temporarily or permanently restrained or enjoined by
58 judicial order, this act shall be enforced as though such restrained or enjoined provisions had not
59

1 been adopted, provided that whenever such temporary or permanent restraining order or injunction
2 is stayed, dissolved, or otherwise ceases to have effect, such provisions shall have full force and
3 effect.
4

5 **PART V. EFFECTIVE DATE**

6 **SECTION 5.** This act is effective when it becomes law and applies to any action
7 taken on or after that date, to any ordinance, resolution, regulation, or policy adopted or amended
8 on or after that date, and to any contract entered into on or after that date. The provisions of
9 Sections 2.1, 2.2, 2.3, 3.1, 3.2, and 3.3 of this act supersede and preempt any ordinance, resolution,
10 regulation, or policy adopted prior to the effective date of this act that purports to regulate a
11 subject matter preempted by this act or that violates or is not consistent with this act, and such
12 ordinances, resolutions, regulations, or policies shall be null and void as of the effective date of
13 this act.

14 In the General Assembly read three times and ratified this the 23rd day of March, 2016.
15

16
17 s/ Daniel J. Forest
18 President of the Senate
19

20
21 s/ Tim Moore
22 Speaker of the House of Representatives
23

24
25 s/ Pat McCrory
26 Governor
27

28
29 Approved 9:57 p.m. this 23rd day of March, 2016

Declaration of Luke C. Platzer

EXHIBIT B

ORDINANCE NUMBER: 7056 AMENDING CHAPTERS 2, 12, and 22

AN ORDINANCE AMENDING CHAPTER 2 OF THE CHARLOTTE CITY CODE ENTITLED "ADMINISTRATION", CHAPTER 12 ENTITLED "HUMAN RELATIONS", AND CHAPTER 22 ENTITLED "VEHICLES FOR HIRE"

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article V of Chapter 2 of the Charlotte City Code is amended as follows:

"Sec. 2-151. - Policy statement.

It is the policy of the city not to enter into a contract with any business firm that has discriminated in the solicitation, selection, hiring or treatment of vendors, suppliers, subcontractors or commercial customers on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability, or on the basis of any otherwise unlawful use of characteristics regarding such vendor's, supplier's, or commercial customer's employees or owners in connection with a city contract or solicitation; provided that nothing in this commercial non-discrimination policy shall prohibit or limit otherwise lawful efforts to remedy the effects of discrimination that has occurred or is occurring in the marketplace.

Sec. 2-152. - Purpose and intent.

It is the intent of the city to avoid becoming a passive participant in private sector commercial discrimination by refusing to procure goods and services from business firms that discriminate in the solicitation, selection, hiring, or treatment of vendors, suppliers, subcontractors, or commercial customers on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability in connection with city contracts or solicitations by providing a procedure for receiving, investigating, and resolving complaints of discrimination involving city contracts or solicitations.

Sec. 2-153. - Definitions.

For purposes of this article, the following terms have the meanings indicated unless the context clearly requires a different meaning.

...
Discrimination means any disadvantage, difference, distinction, or preference in the solicitation, selection, hiring, or treatment of a vendor, supplier, subcontractor or commercial customer on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability, or on the basis of any otherwise unlawful use of characteristics regarding such vendor's, supplier's, or commercial customer's employees or owners in connection with a city contract or solicitation;

provided that nothing in this definition or article shall prohibit or limit otherwise lawful efforts to remedy the effects of discrimination that has occurred or is occurring in the marketplace.

...

Sec. 2-166. - Mandatory nondiscrimination contract clause.

Every contract and subcontract shall contain a nondiscrimination clause that reads substantially as follows:

As a condition of entering into this agreement, the company represents and warrants that it will fully comply with the city's commercial non-discrimination policy, as described in section 2, article V of the City Code, and consents to be bound by the award of any arbitration conducted thereunder. As part of such compliance, the company shall not discriminate on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability in the solicitation, selection, hiring, or treatment of subcontractors, vendors, suppliers, or commercial customers in connection with a city contract or contract solicitation process, nor shall the company retaliate against any person or entity for reporting instances of such discrimination. The company shall provide equal opportunity for subcontractors, vendors and suppliers to participate in all of its subcontracting and supply opportunities on city contracts, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that has occurred or is occurring in the marketplace. The company understands and agrees that a violation of this clause shall be considered a material breach of this agreement and may result in termination of this agreement, disqualification of the company from participating in city contracts or other sanctions.

Sec. 2-167. - Contractor bid requirements.

All requests for bids or proposals issued for city contracts shall include a certification to be completed by the bidder or proposer in substantially the following form:

The undersigned bidder or proposer hereby certifies and agrees that the following information is correct:

1. In preparing ~~it's~~ its enclosed bid or proposal, the bidder or proposer has considered all bids and proposals submitted from qualified, potential subcontractors and suppliers, and has not engaged in discrimination as defined in section 2.
2. For purposes of this section, discrimination means discrimination in the solicitation, selection, or treatment of any subcontractor, vendor, supplier or commercial customer on the basis of race, ethnicity, gender, age, religion, national origin, marital status, familial status, sexual orientation, gender identity, gender expression, disability or any otherwise unlawful form of discrimination. Without limiting the foregoing, discrimination also includes retaliating against any person or other entity for reporting any incident of discrimination.

3. Without limiting any other remedies that the city may have for a false certification, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the city to reject the bid or proposal submitted with this certification, and terminate any contract awarded based on such bid or proposal. It shall also constitute a violation of the city's commercial non-discrimination ordinance and shall subject the bidder or proposer to any remedies allowed thereunder, including possible disqualification from participating in city contracts or bid processes for up to two years.
4. As a condition of contracting with the city, the bidder or proposer agrees to promptly provide to the city all information and documentation that may be requested by the city from time to time regarding the solicitation and selection of suppliers and subcontractors in connection with this solicitation process. Failure to maintain or failure to provide such information shall constitute grounds for the city to reject the bid or proposal and to any contract awarded on such bid or proposal. It shall also constitute a violation of the city's commercial non-discrimination ordinance, and shall subject the bidder or proposer to any remedies that are allowed thereunder.
5. As part of its bid or proposal, the bidder or proposer shall provide to the city a list of all instances within the past ten years where a complaint was filed or pending against bidder or proposer in a legal or administrative proceeding alleging that bidder or proposer discriminated against its subcontractors, vendors, suppliers, or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken.
6. As a condition of submitting a bid or proposal to the city the bidder or proposer agrees to comply with the city's commercial non-discrimination policy as described in section 2, article V of the city code, and consents to be bound by the award of any arbitration conducted thereunder."

Section 2. Article II of Chapter 12 of the Charlotte City Code is amended as follows:

"Sec. 12-27. - Powers.

Within the limitations provided by law, the community relations committee created under this article has the power to:

...

- (9) Render at least annually a written report to the mayor and to the city council and to the chairman and the board of county commissioners. The report may contain recommendations of the committee for legislation or other actions to eliminate or reduce discrimination with respect to race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin.

...

Sec. 12-29. - Powers of conciliation division.

Within the limitations provided by law, the conciliation division of the community relations committee created by this article has the power to:

- ...
- (3) Approve or disapprove plans to eliminate or reduce discrimination with respect to race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin;
- ..."

Section 3. Article III of Chapter 12 of the Charlotte City Code is amended as follows:

"Sec. 12-58. - Prohibited acts.

(a) It shall be unlawful to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin.

(b) It shall be unlawful to make, print, circulate, post, mail or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be refused, withheld from, or denied any person because of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin, or that any person's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin; provided, however, this section does not apply to a private club or other establishment not, in fact, open to the public.

~~Sec. 12-59. - Prohibited sex discrimination.~~

~~(a) It shall be unlawful to deny a person, because of sex, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a restaurant, hotel, or motel.~~

~~(b) This section shall not apply to the following:~~

- ~~(1) Restrooms, shower rooms, bathhouses and similar facilities which are in their nature distinctly private.~~
- ~~(2) YMCA, YWCA and similar types of dormitory lodging facilities.~~
- ~~(3) A private club or other establishment not, in fact, open to the public."~~

Section 4. Article II of Chapter 22 of the Charlotte City Code is amended as follows:

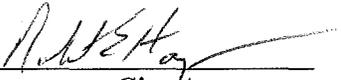
“Sec. 22-31. - Conduct of certificate holders, permit holders, drivers.

...

(i) No company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin. In addition, no company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of disability when such service can be provided to a person with a disability with reasonable accommodation.”

Section 5. This ordinance shall be effective April 1, 2016.

Approved as to form

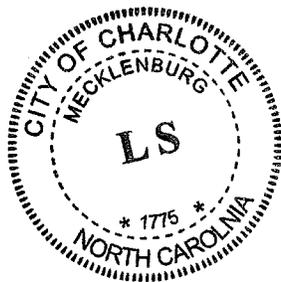


City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of February 2016 the reference having been made in Minute Book 140, and recorded in full in Ordinance Book 59, Page(s)743-747.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 22nd day of February, 2016.





Emily A. Kunze, Deputy City Clerk

Declaration of Luke C. Platzer

EXHIBIT C

**CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY
Memorandum**

TO: Mayor and City Council

FROM: Robert E. Hagemann, City Attorney *REH*

DATE: February 3, 2016

RE: Non-Discrimination

In November 24, 2014, the Human Rights Campaign made a presentation to the City Council requesting that marital status, familial status, sexual orientation, gender identity, and gender expression be added to the list of protected characteristics in several City non-discrimination ordinances.

On March 2, 2015, a motion to approve an ordinance adding this list of characteristics failed by a vote of 5-6. Prior to that vote, the proposed ordinance was amended to add the following to the non-discrimination in public accommodations ordinance: "(c) Notwithstanding the forgoing, this section shall not, with regard to sex, sexual orientation, gender identity, and gender expression, apply to rest rooms, locker rooms, showers, and changing facilities."

Recently Mayor Roberts asked that this matter be placed on your February 8, 2016 Dinner Meeting agenda. The following is the same background I provided the Mayor and Council last year.

History of Protected Characteristics

The Civil Rights Act of 1964 provided, among other things, broad federal protections against discrimination in public accommodations based on race, color, religion, and national origin (Title II) and in employment based on race, color, religion, sex, and national origin (Title VII). Protections against employment discrimination based on age (1967) and disability (1990) were subsequently enacted.

There are no federal laws that expressly prohibit discrimination based on sexual orientation, gender expression, or gender identity. However beginning with an ordinance adopted by the City of Minneapolis in 1975, seventeen states (North Carolina is not one of them), the District of Columbia, and more than 225 cities and counties have passed laws or ordinances prohibiting discrimination in public accommodations based on sexual orientation and gender identity.

City Ordinances

1. Public Accommodations

In 1968 the Charlotte City Council adopted an ordinance prohibiting discrimination in public accommodations. Like the 1964 federal law, the ordinance covered race, color, religion, and national origin. In 1972, the Council amended the ordinance to include sex.

As part of the 1985 recodification of the entire City Code, the public accommodations ordinance was modified to treat sex differently than race, color, religion, and national origin, establishing protections only in restaurants, hotels, and motels, and even then carving out restrooms, bathhouses and similar facilities which are in their nature distinctly private, as well as dormitory lodging facilities such as the YMCA and YWCA.

While we have been unable to find any documentation that clearly states the reasons for this change in approach, the City Attorney at the time believes it was recommended by the contractor for the recodification likely due to lingering concerns stemming from the debate over the Equal Rights Amendment which some argued would do away with single sex restrooms.

The public accommodations ordinance does not specify an enforcement mechanism, but pursuant to state law, a violation of the ordinance is enforceable as a misdemeanor (fine up to \$500, no active time unless three previous violations) or through equitable relief (*i.e.*, a court order directing a cessation of the violation). In practice, the Community Relations Committee typically seeks voluntary compliance through a conciliation process.

2. Community Relations Committee

At the same time the 1968 public accommodations ordinance was adopted, Council established the Community Relations Committee. Among the Committee's duties is a charge to provide an annual report that may include "recommendations of the committee for legislation or other actions to eliminate or reduce discrimination with respect to [the protected characteristics]". In addition, through the conciliation process, the Committee is authorized to "[a]pprove or disapprove plans to eliminate or reduce discrimination with respect to [the protected characteristics]".

3. Passenger Vehicles for Hire

The passenger vehicles for hire ordinance provides that "[n]o company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of race, color, religion, sex or national origin". The ordinance is enforced through civil penalties and revocation of operating certificates and permits.

4. Commercial Non-Discrimination

The commercial non-discrimination ordinance was adopted in 2003 as part of the Council's response to the dismantling of the woman and minority business development program after the City was sued in federal court. The ordinance prohibits businesses that seek to contract with the City from "discriminating in the solicitation, selection, hiring or treatment of vendors,, suppliers, subcontractors or commercial customers on the basis of race, gender, religion, national origin, ethnicity, age, or disability." The ordinance provides for enforcement through the rescission, suspension or termination of a current contract, and the disqualification from bidding and contract awards for a period of not more than two years.

Description of Proposed Amendments

The proposed amendments, which are identical to those presented to Council last year, would simply add "marital status, familial status, sexual orientation, gender identity, and gender expression" to the list of protected characteristics in the passenger vehicles for hire and commercial non-discrimination ordinances as well as the list of protected characteristics that the Community Relations Committee is authorized to make recommendations for legislation or other actions to eliminate or reduce discrimination and to approve or disapprove plans to eliminate discrimination through the conciliation process.

With regards to the public accommodations ordinance, the proposed amendments would not only add these five characteristics to the general prohibition of discrimination, but would also add "sex" to the general prohibition and delete the separate section dealing with sex. This would bring the City's ordinance in line with the trend across the country of not carving out "sex" in an attempt to preserve the right of businesses to provide separate restroom facilities (*i.e.*, it is not discriminatory to provide separate men's and women's restroom facilities).

Declaration of Luke C. Platzer

EXHIBIT D

This City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 22, 2016, at 5:12 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James, Mitchell, Greg Phipps.

ABSENT UNTIL NOTED: Councilmembers Julie Eiselt and Kenny Smith

* * * * *

ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Roberts asked do we not have any consent item questions before we go into closed session.

Councilmember Kinsey said I am going to pull item number 17 just to make a statement, but I support it.

Councilmember Driggs said I want to pull 15.

* * * * *

ITEM NO. 2: CLOSED SESSION

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

The meeting was recessed at 5:14 p.m. for the closed session. The open session was reconvened at 5:24 p.m. There was discussion regarding the format for the business meeting. The Dinner Briefing was recessed at 5:45 p.m. to move to the Council Chamber for the regularly scheduled Business Meeting.

* * * * *

BUSINESS MEETING

The City Council of the City of Charlotte, North Carolina reconvened for the Business Meeting on Monday, February 22, 2016 6:03 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were, Al Austin, John Autry, Ed Driggs, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps.

ABSENT UNTIL NOTED: Councilmembers Julie Eiselt and Kenny Smith

Mayor Roberts said I want to take a minute to send out thoughts and prayers to Councilmember Kenny Smith. His father passed last night. Mr. Smith is going to try to come in the meeting later, but we certainly want him to be with his family. Mr. Smith we send our thoughts and prayers to you and your family on the passing of your father, Ken Smith. All of our thoughts are with you. We are so sorry for your loss. We are also absent Councilmember Julie Eiselt who may be joining us later in the evening.

* * * * *

INVOCATION AND PLEDGE

Councilmember Mayfield gave the Invocation followed by the Pledge of Allegiance.

* * * * *

AWARDS AND RECOGNITION

ITEM NO. 4: RECOGNITION OF CIAA BASKETBALL WEEK IN CHARLOTTE

WHEREAS, the Central Intercollegiate Athletic Association (CIAA) will celebrate its 71st Men's Basketball Tournament and the 42nd Women's Basketball Tournament; and

WHEREAS, the CIAA has secured over \$20 million in scholarship dollars for its member institutions over the past 13 years, averaging \$1.5 million annually; and

WHEREAS, the City of Charlotte will host the CIAA for the eleventh year with 22 games and tens of thousands of fans and guests expected to attend over a five day period; and

WHEREAS, this tournament provides an opportunity for the CIAA family to come to Charlotte to reunite with classmates, alumni, and friends in the vibrant atmosphere of Uptown Charlotte; and

WHEREAS, Charlotte is proud to be the CIAA Tournament Host City to showcase our world-class customer service and southern hospitality; and

WHEREAS, the CIAA tournament provides a positive impact for the City of Charlotte through economic benefits to hotels, restaurants, rental companies, services, entertainment venues and temporary employment:

NOW, THEREFORE, I, Jennifer Watson Roberts, Mayor of Charlotte, do hereby proclaim February 22 – February 27, 2016 as

“CIAA WEEK”

in Charlotte and commend its observance to all citizens.

Jacquie McWilliams, CIAA said we are 104 years old. We have 12 member institutions. We have over 3,500 student athletes, 24 teams that are here in the city right now, 22 games that will start tomorrow, but two champions that we will crown on Saturday. This city has been an amazing opportunity for us to grow academically and also athletically. So, we appreciate all of the support that you have given us since we have even arrived here as now, Charlotteans. Our conference office now is here since August. So, thank you so much for the support, financial support, and just believing in the CIAA. We are going to turn this city out in a great way this week, and we hope that everyone can participate.

President Dr. Ronald L Carter, CIAA said thank you for making a dream come to fruition. A dream that I have had for a long time, one that we would extend the contract to host the CIAA here in Charlotte, and second, getting the head offices of the CIAA here to Charlotte. There is madness to all of this. My goal, my dream is that it will be here permanently because we in Charlotte know how to lift the CIAA up high. It is an opportunity of a win-win-win. Win for our fabulous students as they live and learn at their growing age. Win for the universities that demonstrate their brand and win for the city as we continue to have a strong impact on the economy. So, thank you all for making this happen.

Tom Murray, Charlotte Regional Visitors Authority said I join the City Council and Mayor in welcoming you here. We worked hard to make it happen. We worked harder this year to get ready for this event, but we are so proud to be the host here of this event. It is the largest event we have on an annual basis. Like Dr. Carter, I have a dream that we will always have it here. It is so great to have the Commissioner, Jacqui McWilliams here in our community because she has already become part of our community, not just about the CIAA, but about Charlotte. That is really what she committed to do when she moved the headquarters here. We are so happy to have them as our fellow citizens as well. So, thank you very much as honoring us tonight.

* * * * *

CITIZENS' FORUM

Charlotte Motor Speedway

Fred Mauney, 401 West 24th Street said I had to put something down about the Speedway, but it is involving quite a few issues. One of them has been brought back up with some of the citizens is this \$15 million on the Eastland deal. Then also, two years later you all show up \$15 million short on the budget. I am a little bit concerned about what happened there. There are some flags showing up as well as some scuttlebutt going on that the city is in that the deal is to pay Bruton Smith the \$80 million he had in the highway out there. No one is knowing it. So everybody is wanting to know if that is going to show up as a \$80 million shortfall in the budget in another year or two? Furthermore, it seems to be a minor law suit between Barak Obama and you all back in 2011, which we had a rush of KGB News blackout of it, and there was a lot of corruption and fraud involved there which the city has come out and violated a number of laws that are on statute regarding business factors because of all its lies and fraud it did to present to the DNC to get the commission to come here. Also, because it wanted to get the \$50 million that comes with the grant. This was the fraudulent application to the federal government. So, a whistle blower law suit is being put together to sue the city, that it not only has to give the \$50 million back but also has triple damages which makes it \$150 million. I imagine the city tax payers are going to be really good to hear that they got to have their taxes raised when this comes about, but furthermore, this brings the US Attorney's Office in, which brings in a Grand Jury, and they will all be paraded down, as was past City Councilmembers, and who knows what kind of indictments might insure it you all and other legal stuff.

Furthermore, during this time it has come up under the statutes of willful failing to discharge duties, it seems like you all have been into a conspiracy to retaliate me out of the storage unit that I have at Penny Pinchers. So, as I was being retaliated by the manager, I knew something was going on and just had to do my investigation to find out what. Well, this manager went out and zoned industrial and no one lives there but she fixed up where her office is at and she closed in a couple of the storage units and made her like an efficiency apartment. I came down and talked to Charles Hogan to look up the property of the code office and it wasn't zoned the way it was and could not have it, and no one has ever applied to have a living space there from the management or anything. So, he sent an email and they sent me to see a Michael Hogan, North East Coordinator. He doesn't do anything. Then I end up meeting with a Mark Dowler out there, a supervisor, and they don't do anything. It seems to be a fraudulent thing going on, that there is a cover up, because since I am going to be evicted, and I have been there for six years that I would go down there and maybe be upset and all of that. This woman has a pistol, planning on shooting me down. There's another time that you guys have been in a conspiracy to murder in the first degree, and otherwise now it has gone through the process of theft by deception. A million dollars of my intellectual property or more out of that, so I came down to the County Manager's Office and said you guys have something going on with your city code people. They are not investigating a defendant misconduct going on. I needed that so I could go to the police department to site what else was going on.

Bicyclists' Exposure to Automobile Traffic

Maarten Pennink, 1712 Garden Terrace said the following is a proposal giving bicyclists a more favorable status in the Charlotte-Mecklenburg area. As an extension, this presentation seems to fit well together with the arterial project as presented to you on February 8th, 2016. To make Charlotte truly a bicycle friendly city, automobile drivers need to give bicyclist the right away as is the case in Amsterdam, The Netherlands. Which in their bicycle friendly city in a period of six weeks and daily participating as a bicyclist, I have not seen a single accident and observed that drivers are extremely careful taking turns and making other maneuvers. There, the drive in the majority of cases will be liable when a collision occurs with a bicyclist. Now, knowing that cycling is healthy, and very environmentally friendly, and knowing that cyclist are very vulnerable in traffic, I propose that you as leaders will implement the following rule, in principal an automobile driver in the Charlotte-Mecklenburg region will be liable when said driver has an accident with a bicyclist. When implemented this will change the general attitude towards cyclists and will encourage people to use bicycles for more than recreational purposes. Current laws and regulations: one, bicycles are required to give cars generally the right of way. This rule gives automobile drivers immunity, virtually from prosecution. I didn't see him. I didn't see her, is enough of a reason to dismiss the case and consequently drivers have no

incentive to be cautious or careful. Two, bicyclist can currently are seen on the road and on the sidewalk. Bicyclist belong on the road, sidewalks are for pedestrians. So, bicycles and cars need to share the road, both driving in the same direction. Three, North Carolina along with 43 other states require bicyclist to ride as far to the right as practicable. Now, this has bicyclists being squeezed off the road and may cause accidents. Bicyclists are far more vulnerable and need special protection. Bicyclists should be allowed to take an entire lane, unless there is a designated bike lane. Now, again, I propose that you as leaders implement the following rule to repeat. In principal, an automobile driver in the Charlotte-Mecklenburg region will be liable when said driver has an accident with a bicyclist. When implemented, this will change the general attitude towards bicyclist and encourage more people to use bicycles for more than recreational purposes.

Mold Conditions in the Mecklenburg Public Housing

Tigress Sydney, 2217 Matthews Township Parkway said you may have noticed my persistent cough. I have allergic asthma, and before I continue I will preface that with the following. I have a Bachelor's degree in Agricultural education and Environmental science with a specialization in Swine Husbandry and Wetland Bioremediation. I have a Master's degree in Agricultural Economics and Rural Development, and again with a specialization in Wetland Bioremediation. I am a PHD candidate in Energy and Environmental Systems with a specialization in Economics, and again in Wetland Bioremediation, which in tales Biochemistry and Microbiology. To my surprise, this persistent cough is the result of the occurrence and recurrence of mold in my apartment. I am going to address this enumeratively. As a mom, number one, indoor air quality is of great importance to me. My son has been diagnosed with Eosinophilic Esophagitis. You may not know what that is, but basically he has an unknown allergen that is keeping his food from going down his digestive track and going into digestion. So, living in a home where there are issues like mold, or conditions that are conducive to mold, is a huge issue. As a scientist, this is one of my big platforms as it relates directly to city government; you should not merely take on the advice of mere consultants. Most consultants only have training, at best simple training, in my field. You have heard me expound upon my degrees so you can imagine the training that goes into that. It is very important that you speak with scientist instead of mere consultants, when considering legislation concerning mold. My apartment complex told me to just clean it with bleach. In my field, as I have already expounded upon, it looks like I might be an expert in my field and as it relates to microbiology, and mold, and spores, and microbial life. Bleach is not a remediation tactic. Lastly, as much as I would like the opportunity to speak more about this, but I think that your staff is well aware from your emails that I will be lobbying for the ordinance to change. I was told earlier today that City Council has no power to enforce any legislation to change the city ordinance. What appears to me then, is that this entire meeting is a facade. As I understand it, you are a legislative body.

Councilmember Mavfield said I have a couple of questions because one, I did not know what complex you are referring to, because the address that we have listed down for you is not an address within Charlotte-Mecklenburg. So, it would be helpful to know at least the complex, or if you have spoken directly to your district representative so that we can gets information regarding the complex that you are referencing. So, you do not have to give that information now, but that information would be helpful, and/or if you called code enforcement. Then there are some things that we can do, but the information that is in front of me right now does not provide me with the information to let me know exactly where you are located.

Ms. Sydney said I do not know what information you have. It has defiantly got to be outdated because I am a law abiding citizen, and my address has been updated when I moved here. John Autry is very familiar with this. I think that he would be the best person to speak about that. I have actually included you all, with the exception of the new mayor, in every email that I have sent now, that also has the EPA, and the Chief of the EPA as well.

Code Enforcement Officer Complaint

James Boulter, 3015 Walter Street said I am a Charlottean and I have been here 65 years. I have watched West Boulevard grow from dirt to concrete. My problem was my vehicles. My neighbor called and told me that my vehicle had been tagged for junk. I hurried home and found out that the truck I had just driven and parked in my driveway had a tag on it for junk. So, I immediately called the code enforcement, and I said ma'am, I do not understand, why would you tag a vehicle

that I have just driven home and parked? She said well, it was just my opinion that it was junk because it was parked beside the rest of them, right beside my Jaguar, my Cadillac, and my van. So, I went straight to the office, and I said this is the vehicle that you tagged, and I left the tag on it; I said now, is this junk? I cranked it up and said, do you want to hear the radio playing? I played the radio for her, and she said well, I assumed. I said hold up, please give me some understanding. You are putting a burden on me because I have ten days to fix the problem, or move the problem or the tow man will come to get it. This is not junk. So, her supervisor, Mr. Greene called me and said that they would resolve this misunderstanding Mr. Boulter. I said that I would appreciate it. I do not know if there is anyone else in the city that had a problem like this, but I could not rest because it was an unjust. When you find an unjust, that means that there is a threat on justice everywhere. My brother told me to go down and speak and let your heart be free. I would appreciate it if someone would take the time when these code enforcement officers come out to at least knock on the door and say what the situation with the particular vehicle. None of my cars had flat tires; the windows were intact, nothing out of the ordinary. I am just a hard working individual trying to make it in this world, and I would appreciate it. I thank you for your time. The only thing that I can say is I do not have a master's degree or a PHD, but I do have common sense to even know to ask someone in the home, or find out before you put your tag on a car because if you have only ten days, they are going to come take it and you will have another bill to pay when you need to pay your light bill. So, thank you and I appreciate it.

Discrimination in Charlotte

Tamara Strong, 14932 Statesville Road said I am here today because my rights are being violated. I have been under a eugenic program, and I am getting assaulted. I have contacted congress and sent letters and all of those who I have been in contact with have ignored my letters, and the situation has not gotten better. I feel that my life, my liberty, my justice, and everything the Constitution had to offer, my rights are being violated, and my life also. I am sick and tired of going through what I am going through. I do not appreciate my rights, liberty and my life being at stake when others come here, and they pretty much get what they want. I have been here all of my life, and I have had to suffer. I am here for justice. I am here that I will be heard. I am here that I am more than just an adopted person, but I am somebody. I am a Child of God. I am here because I feel that I am a targeted individual. Maybe I complained about the fluoride too much, I called and said something. I do not know what it was. I have always had to struggle all of my life because of the adoption and being taken, but I have been a woman of God, and I have tried to be a great person of servitude to the other people in our society. However, I am being injured. I think that I am being assaulted by radio frequency, and I am getting severely burned through whatever type of help, I do not know if I was entered into some type of research, but I do not consent to it. I have asked that whatever Social Security program I signed up for that entered me into this, whatever institutions have violated my liberties, I have sent off letters for these people to cut all contracts and relieve me of anything that they have put me in that have violated my liberties. I have contacted the state and pretty much, phones have hung up in my face. People are not responding; however, I am wanting things to get better as I respond and say that I do not consent. I am expecting things to get better. I had no choice but to try to come here today, for I feel that my life is at stake. I just want to be heard. I think that I am somebody. The State of North Carolina, I feel has ignored my rights, and I am being treated like nobody. I am just here today because I am somebody.

My Brother's Keeper Foundation

Omari Jibri Brunson, 11015 Carmel Crossing Road said let this mandate be reflected on all records, by the record, and let the record reflect, I am here on my proper persona, and my noble title is Emperor Omari Jibri El Ra Bey. I have accepted the honorable present of Barak Obamas [inaudible] insuring a list of objectives to be able to execute for the administration based upon the My Brother's Keeper program. I am the head tribal leader of this organization in North Carolina, City of Charlotte, and Mecklenburg County. This is really a call to action and collaboration from my office to yours, with the full cooperation of the board that took oaths of office to protect and serve. The indigenous people will restore and reform the indigenous tribal government here in North Carolina, the nation state, City of Charlotte, Mecklenburg County, which we declared our independence since 1776 and are also reflected in the United Nations Proclamations with the aborigine indigenous people in Articles 1-50. On common law grounds, that we stand for as out legal terms and we are self-independent and self-government. Let it reflect on all records that states do not have rights. Only individuals have certain rights granted

to them through treaty law, nationality, social, or political statuses, so by the authority vested in me, I Emperor Omari Jabri El Ra Bey have enforced Article 1, section 10 in the corporate constitution that declares that no state shall have anything but gold and silver as legal tender as payment of debt. So, now here comes the alternative currency that I want to introduce to the second biggest in banking in the country, Charlotte, North Carolina is the issue by the international business trust with one gram of 24 karat, 999.9% gold bullion with the London Bullion Market Association having a purchasing power of 150 in exchanging Federal Reserve Notes or United States dollars in all trading platforms is priced by goods and services by the United States dollars of FRNs. Example, you can now go to the store and give a gold, one gram card for a cup of coffee in exchange is debt back and that is how we are going to exchange and reform the debt crisis that we are in right now. The royal office of the international business trust is based on treaty currency and exchange that is capable and willing to engage in private currency exchange for back indigenous dollars that would be free traded with the trans-pacific partnership and domestic trade without discrimination or limitation. Our office is able and willing to increase the state's budget and purchasing power by converting Federal Reserve notes into our gold cards for a medium of exchange. We ask for the full cooperation of the board.

Crime Prevention and Public Safety in Charlotte

Carrie Taylor, 1522 Downs Avenue, said I am here to express my full support for the hiring of the additional CMPD officers that Chief Putney has requested. When the additional 125 officers came on board in 2008, we saw a consistent decrease in our crime rate for the six years following their addition according to Chief Putney. Former Mayor Pro Tem, Michael Barns who spearheaded the push for those additional officers ten years ago shared that there was a considerable decrease. However, in the last several months, we have seen a 10% increase in overall crime, and a 36% in homicides as our city has continued to grow. That is staggering and unacceptable; as I am sure you would agree. I have been a member of the Charlotte community since March of 2000. I believe it is incumbent upon me and my fellow Charlotteans to hold our leaders accountable to do the work for which they were elected or hired. So, that is what I will do. I do not need to remind you that crime has a direct correlation with economic development and population growth. If crime continues to increase, and Chief Putney does not receive the tools he needs and the officers that he is requesting, the growth that Charlotte now enjoys will quickly dry up. We need strong, visible leadership by those of you who say that you want to be a champion of public safety and crime prevention. With the deaths of both of my parents within the last four months, I have learned the importance of time and making the most of the opportunities that we are given. Words without action are empty and meaningless. If we lose site, do not take action when the opportunity is before us, are not strong, visible, and deliberate advocates, we could be left with regret. You have the power now to do the right thing. Councilmembers Phipps and Driggs, I urge you to give Chief Putney's request thoughtful consideration. I want to thank you for your leadership during last year's budget process, and now I trust that you will provide Chief Putney with all of the tools and resources he needs to keep our community safe and to continue to move Charlotte forward. Chief Putney, CMPD, and our city deserve it.

U.S. Constitution

Allen Hovle, 319 Poplar, Lincolnton said I want to address to you about the Constitution of the United States and also the Constitution of North Carolina. As a Marine, for 23 years and retired, I swore on oath to protect the Constitution, and every person who takes the office of a public job and swears to the Constitution as well. Number 1 Article 1 Section 1 says that all legislative Powers herein granted shall be vested in a Congress. Congress has been given the duty for many things, but number 1 Section 8 says that to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. So, it is the Congress that makes laws. I will remind you. Article 3 Section 2 says the judicial power shall extend to all cases in law and equality arising under this Constitution. I will remind you the word is under not over. Section 3 says that treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. So, the Constitution of North Carolina says that marriage is between a man and a woman. So, I warn you that anyone who takes their oath lightly, and they seek to destroy the constitution of the United States, which is declared to be the supreme law of the land of the United States, is a treason and a traitor to this country. So, no judge has the authority nor power to come to the sovereign state of

North Carolina and say that marriage is between any other sex than a man and a woman, thus declared by the people of the sovereign state of North Carolina. I warn each one of you, you better be thinking of the oath that you took because all of the people of the military swore this oath to protect the Constitution and anyone who does that is doing prudery when they go against the Constitution, and they are making themselves treasonous to the laws of this country and also to this state of North Carolina.

City Surplus Auctions

Phil Fortuna, 56 Franklin Street, Northport, NJ said I was waiting for the old Mayor to give me a call, but I guess he isn't calling me back because he is gone. I never got a call from Chief Putney. So, here I am. I flew in from New York to speak. As you know, a while back I started questioning the processes of the auction that the city holds every year, twice a year, and there were some discrepancies that I questioned. The people in that department were very helpful in giving me all of the documentation that I requested, very helpful and polite; however, as I looked through the paperwork, I find that there were a lot of issues as far as the city got billed for. One in particular was batteries. Every auction the city is getting a bill for several thousand dollars for batteries. So, I requested to see an itemized list of all of the vehicles in question that the batteries were replaced, only to find out, when given the list, that I just happened to take a look at my list of the vehicles I bought. I bought approximately 12 vehicles, and out of the 12, 5 of them were on the list, which means that the vehicles I bought had the batteries replaced. I am a mechanic by trade with 35 years in the business. I opened the hoods of the vehicles and it is my professional opinion that the batteries were never changed. So, the city is getting billed several thousands of dollars for batteries, and I question whether the other car's batteries were change. I do not know because I did not buy the cars. The cars I bought defiantly, the batteries were not changed. So, that was one issue. The second issue I had is that I was told there was money allocated in the city budget to buy lunch for the auction workers the day of the auction, and when I read the contract, which I foiled, and you gave me the copy of the contract between you and the auctioneers. It clearly states that the auctioneer is supposed to be paying for the lunch. It should not be coming out of the city budget, and it is. That is another problem I guess. Lastly, I would just like to applaud you Mayor Roberts for taking the first small step towards changing leadership of the Police Department by changing the councilperson that was in charge of public safety. So, I applaud you for that.

Public Safety

Karen Jensen, 311 Baldwin Avenue said I think that there are some people here in the audience tonight who care about civil rights. I do not know about up here. I know what you say you care about. I know what many of you say you care about, but I am astounded to be here again in front of this council and this mayor on the topic of civil rights which I have spoken about before. Last month I spoke about police abuse and retaliation for reporting misconduct by a police officer. I spoke about perjury by a police, covering up and violating internal affairs policies of this city, talked about police officers preventing criminal charges for violent acts because they are lying to magistrates and judges about things that you have seen on audio and video, things which have garnered many convictions in court, but which the city is still lying about and saying it never happened. The response at the end of that was for Mayor Roberts to say, well if we felt that that might need a response we will have staff follow up. I guess deaths threats and, perjury, and police abuse are not something that you feel need a response. Is that the case? I am guessing no one is going to respond to me right now, but no one has responded for an extended period of time. We are talking about assaults, rape threats, death threats, again on video, on audio that you continue to lie about. When I ask for my records and I ask for a change in this, what I get from the city is a legal threat to arrest me and sue me. This is not news to you; this is not new information. This is all documented. When I came to speak last month, just before my talk here, I got a call from you police captain at the behest of your police chief reminding me of your illegal threat to throw me in jail. So, I am here again. I am asking for my records again. I am asking for a correction to the things that I have mentioned in which you are aware of in detail, and I am asking for a stop to the crimes committed by the people who live next door to me and the other people that you are aware of including in the police department and other government officials. I have a little time left. So, I think that I will just say that this stonewall, the manager and the city attorney won't look at me, and I think that is because they are fully aware, as are all of you, of the false information given by city attorneys' as well as by people who are sitting up there on the dais. I would really like a response. I do not know how you wanted to talk about bathrooms and

showers and demand civil rights for people. I do not know if I need to wear a men's hat to get a response. I feel that rape, and violence, and beatings, and death threats to shoot me should illicit a strong response as well. If you do not believe me, ask the judges who convicted.

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CONSENT AGENDA

A motion was made by Council Member Mitchell, seconded by Council Member Austin, and carried unanimously to approve the Consent Agenda as presented with the exception of Item Nos. 14, 15, 17, which were pulled for comment and Item Nos. 16 and 22 which were pulled by staff.

The following items were approved:

Item No. 18: Airport Construction Management Software

(A) Approve a five year contract with e-Builder to provide a cloud-based construction project management software, (B) Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded.

Item No. 19: Airport Project Construction Inspection Services

(A) Approve a professional services contract with Talbert, Bright & Ellington Inc. for general project construction inspection services for a term of three years, (B) Authorize the City Manager to renew the contract for up to two additional, one year extensions with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved, and (C) Adopt Budget Ordinance No. 7057-X appropriating \$3,640,570 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 748.

Item No. 20: Airport Parking Lot Lighting

(A) Approve a contract with Duke Energy not to exceed \$750,000 to install LED street lights in a parking lot, and (B) Adopt Budget Ordinance No. 7058-X appropriating \$750,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 749.

Item No. 21: Airport PSA Hangar Addition

(A) Award a contract in the amount of \$1,255,650 to the lowest responsive bidder Encompass Building Group, Inc. for the construction of PSA Hangar Addition, (B) Approve a lease amendment with American Airlines for additional costs associated with construction of the PSA maintenance hangar, and (C) Adopt Budget Ordinance No. 7059-X appropriating \$1,255,650 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Summary of Bids

EVS Construction & Development, Inc.*	\$1,147,300.00
Encompass Building Group, Inc.	\$1,255,650.00
Edison Foard Construction Services, Inc.	\$1,266,100.00
Cadet Construction Company	\$1,268,000.00
W.C. Construction Company, LLC	\$1,275,155.00
Heartland Contracting, LLC	\$1,320,000.00

*The apparent low bidder, EVS Construction & Development, Inc. did not meet the established SBE and MBE utilization goals; EVS did not meet the minimum required Good Faith Efforts.

The ordinance is recorded in full in Ordinance Book 59, at Page 750.

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Item No. 23: Airport Mid-Sized Truck Acquisition

(A) Award a unit price contract to the lowest responsive bidder Hendrick Toyota Concord for the purchase of Toyota Tacomas for the term of three years, and (B) Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Summary of Bids

Hendrick Toyota Concord	\$58,898.00
Town and Country Toyota	\$62,168.80

Item No. 24: Duke Hangar License

Approve a two-year license with Duke Business Services for storage of helicopters in Group Hangar B-3 at Wilson Air Center.

Item No. 25: Piedmont Advantage Credit Union Lease

Approve a month-to-month lease with Piedmont Advantage Credit Union for rental space in the Terminal.

Item No. 26: NC Clean Water State Revolving Fund Application

(A) Adopt a resolution authorizing Charlotte Water to apply for a Clean Water State Revolving Fund loan in an amount not to exceed \$21,000,000, and (B) Authorize City staff to take necessary actions to complete the financing, including making application to the State of North Carolina Department of Environment and Natural Resources and obtaining Local Government Commission approval.

The resolution is recorded in full in Resolution Book 47, at Pages 228-229.

Item No. 27: Mallard Creek Wastewater Treatment Plant Polychlorinated Biphenyl Decontamination Services

(A) Approve a contract with Synagro Central, LLC for decontamination services for a term of 395 days, (B) Authorize the City Manager to extend the contract with Synagro Central, LLC for a term of 395 days with possible price adjustments as authorized by the terms of the contract, and (C) Approve a Budget Ordinance 7060-X appropriating \$10,785,000 from the Charlotte Water Fund Balance to the Charlotte Water Operating Fund. The Budget Ordinance will accommodate expenses related to PCB decontamination efforts.

The ordinance is recorded in full in Ordinance Book 59, at Page 751.

Item No. 28: McAlpine Creek Wastewater Treatment Plant Combined Heat and Power Improvements

Award a contract in the amount of \$3,066,000 to the lowest responsive bidder State Utility Contractors, Inc. for the Combined Heat and Power Improvements at the McAlpine Creek Wastewater Treatment Plant.

Summary of Bids

State Utility	\$3,066,000.00
Crowder Construction	\$3,095,000.00
M.B. Kahn	\$3,147,201.00
Wharton-Smith	\$3,612,800.00

Item No. 29: Wilgrove Elevated Water Storage Tank Reconditioning and Construction Administration and Inspection Services

(A) Award a contract in the amount of \$1,059,289.00 to the lowest responsive bidder Utility Service Co., Inc. for the Wilgrove Elevated Water Storage Tank Rehabilitation project, and (B) Approve a contract with DiCon Consulting, P.C. in the amount of \$230,000 for construction administration and inspection services.

Summary of Bids

Utility Service Co., Inc.	\$1,059,289.00
D&M Painting Corporation	\$1,339,742.80

Item No. 30: Septic Hauling Services for Wastewater Treatment Plants

(A) Approve a contract with Terry Enterprises, Inc. for septic hauling services for wastewater treatment plants for an initial term of one year, and (B) Authorize the City Manager to renew the contract for up to two additional, one year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Item No. 31: LYNX Blue Line Extension - Sugar Creek Pedestrian Bridge Railroad Agreement

Authorize the City Manager to negotiate and execute a bridge agreement with the North Carolina Railroad Company and Norfolk Southern Railway for maintenance and repair obligations covering the LYNX Blue Line Extension infrastructure in the North Carolina Railroad right-of-way.

Item No. 32: LYNX Blue Line Extension - Construction Materials Testing and Special Inspection Services Contract Amendment

Approve contract amendment #6 in an amount up to \$1,000,000 to the LYNX Blue Line Extension contract with Kleinfelder Southeast, Inc. for construction materials testing and special inspection services.

Item No. 33: CATS Retired Buses Donation

(A) Approve the donation of one retired CATS bus to Olympic High School, and (B) Approve the donation of one retired CATS bus to the Town of Matthews Fire Department.

Item No. 34: CATS Bus Towing Contract Amendment

Approve contract amendment #1 in the amount of \$45,000 to the CATS Bus Towing Services contract with Southern Star of Charlotte, Inc.

Item No. 35: CATS Amenities Bus Stop Benches

(A) Approve the purchase of transit bus stop benches, as authorized by the sole source exemption of G.S. 143-129 (e)(6), (B) Approve a unit price contract with Simme, LLC for the purchase of transit bus stop benches for a term of two years, and (C) Authorize the City Manager to renew the contract for up to three additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Item No. 36: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$48,686.38.

The resolution is recorded in full in Resolution Book 47, at Pages 230-231.

Item No. 37: Resolution of Intent to Abandon an Unopened Portion of E. Worthington Avenue

(A) Adopt a Resolution of Intent to abandon an unopened portion of E. Worthington Avenue, and (B) Set a public hearing for March 28, 2016.

The resolution is recorded in full in Resolution Book 47, at Pages 232-234.

Item No. 38: Meeting Minutes

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of: January 19, 2016, Zoning Meeting

Item No. 39: Land Purchase for Tree Canopy Preservation Program

(A) Approve the purchase of four contiguous parcels of approximately 71 acres located near Robinson Church Road and Plott Road in Charlotte (parcel identification numbers 108-112-03, 108-112-04, 108-071-13, and 108-042-10A) for \$884,295 from three property owners, and (B) Authorize the City Manager to negotiate and grant a Conservation Easement to the Catawba Lands Conservancy.

PROPERTY TRANSACTIONS

Item No. 40: Property Transactions Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5

Resolution of condemnation of 7,358 sq. ft. (.169 ac.) in Sanitary Sewer Easement, plus 4,196 sq. ft. (.096 ac.) in Temporary Construction Easement at 11725 Mt. Holly-Huntersville Road from Elpiniki Karagiannis and Stantoula K. Drosinis for \$775 for Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5.

The resolution is recorded in full in Resolution Book 47, at Page 235.

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ITEM NO. 14: POLICE UNIFORMS, RELATED EQUIPMENT AND SERVICES

Mayor Roberts said a speaker signed up to speak on this item.

Councilmember Lyles said she is declining to speak Mayor.

Motion was made by Councilmember Lyles, seconded by Councilmember Austin, and carried unanimously to (A) Award unit price contracts to the lowest responsive bidders (Galls, Inc. and Lawmen’s Distribution, LLC) for the purchase of Police uniforms, related equipment and services for the term of three years, and (B) Authorize the City Manager to renew the contract for up to two additional, one year terms with possible price adjustments and to amend the contract consistent with the City’s business needs and the purpose for which the contract was approved.

Summary of Bids

Forum Direct	\$ 406.64
Lawmen’s Distribution, LLC	\$43,182.42
Galls, Inc.	\$733,282.55

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ITEM NO. 15: TIME WARNER CABLE ARENA UPGRADES-CONSTRUCTION MANAGER AT RISK

Councilmember Driggs said I thought that in part I should pull this because my colleagues, Councilmember Smith could not be here tonight, and I think that he would want to pull it. So, Kenny we are thinking of you buddy. I want to point out, as I have in the past, that I think our relationship with the team as it pertains to the arena is very one sided and therefor I express my unhappiness about that relationship, and even though I recognize that this is within an amount that has been appropriated and pursuant to a contract under which we have obligations, I will not support it.

Motion was made by Councilmember Austin and seconded by Councilmember Mayfield to approve a contract with Rodgers Builders, Inc. in an amount not to exceed \$18,000,000 for construction management at risk services for the Time Warner Cable Arena Upgrades to be performed between years 2016-2019.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Austin, Autry, Fallon, Kinsey, Lyles, Mayfield, Mitchell, and Phipps.

NAYS: Councilmember Driggs.

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ITEM NO. 17: SOUTHEAST CORRIDOR INFRASTRUCTURE PLANNING AND DESIGN SERVICES

Councilmember Kinsey said I just wanted to pull it to let constituents know what is going on. There is some concern, including my own concern about the Coliseum Drive Extension, which is Commonwealth Avenue to the existing terminus Coliseum Drive terminus at the Claremont Apartments, and also the Waterman/Eastway Frontage Road. Those two items are in this particular consent item for planning only, not for design. I just want to make that very clear that nothing is going ahead except some planning services for those two items. For that I will move its approval.

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously to approve a contract in the amount of \$2,300,000 with American Engineering Associates - Southeast, P.A. for Southeast Corridor Infrastructure.

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PUBLIC HEARING

City Manager Ron Carlee said the three public hearings that are scheduled; Item Nos. 6, 7, and 8 were advertised for 7 p.m. which was the original time that this meeting was scheduled to start. We would ask that you pass over these items until the end of the agenda so that when you open and close the agenda they would be within the advertised time.

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BUSINESS

ITEM NO. 9: APPOINTMENTS TO THE PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

The following nominees were considered for one appointment for a two-year term beginning March 2, 2016, and ending March 1, 2018.

William Lilly, Jr nominated by Councilmembers Fallon, Kinsey, and Mayfield
James Marascio nominated by Councilmembers Driggs, Eiselt, and Phipps
Matt McDonald nominated by Councilmembers Driggs, Eiselt, and Fallon
Warren Neff nominated by Councilmember Phipps
Emmanuel Reid nominated by Councilmembers Austin, Autry, and Lyles

Results of the first ballot were recorded as follows:

William Lilly, Jr., 2 votes – Councilmembers Kinsey and Mayfield.
James Marascio, 4 votes – Councilmembers Driggs, Fallon, Mitchell and Phipps.
Emmanuel Reid, 3 votes – Councilmembers Austin, Autry, and Lyles.

Results of the second ballot were recorded as follows:

James Marascio, 3 votes – Councilmembers Driggs, Fallon, and Phipps.
Emmanuel Reid, 4 votes – Councilmembers Austin, Autry, Lyles and Mayfield.

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously that the vote for this appointment between James Marascio and Emmanuel Reid be placed on the next agenda.

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ITEM NO. 10: APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT

The following nominees were considered for one appointment for a three-year term of service beginning immediately, and ending January 30, 2019.

Nichelle Bonaparte, nominated by Councilmembers Austin, Autry, Mayfield, Mitchell, and Phipps
Scott Compagna, nominated by Councilmember Smith
Jessica J. Meyer, nominated by Councilmember Kinsey
Irving M. Schwebel, nominated by Councilmembers Driggs, Eislet, and Fallon

Results of the ballot were recorded as follows:

Nichelle Bonaparte, 5 votes - Councilmembers Austin, Autry, Lyles, Mayfield, and Mitchell.
Jessica J. Meyers, 1 vote - Councilmember Kinsey.
Irving M. Schwebel, 3 votes - Councilmembers Driggs, Fallon and Phipps.

Results of the second ballot were recorded as follows:

Motion was made by Councilmember Phipps, and seconded by Councilmember Fallon to defer this appointment to the next business meeting.

The vote taken on the motion was recorded as follows:

YEAS: Councilmembers Driggs, Fallon, Kinsey, Lyles, Mitchell, and Phipps.

NAYS: Councilmembers Austin, Autry, and Mayfield.

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POLICY

ITEM NO. 11: CITY MANAGER'S REPORT

City Manager Ron Carlee said out of respect for all of the people here to speak on other items, I have no report tonight.

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ITEM NO. 12: NON-DISCRIMINATION ORDINANCE

Mayor Roberts said we have had conversations on this item starting last year, for more than a year. We had a presentation and a vote last year. We had a presentation on February 8th of this year. We have materials on hand; Councilmembers ask questions after that presentation. I want to take just a minute to thank our city staff, our manager, and our attorney. They compiled research information in this folder right here. I have read all of the information in here which talks about other cities and many other questions that the Council asked at the February 8th meeting, and I really appreciate the time and detail that our staff has taken for that. We appreciate everyone's input and we know that opinions are strong and emotions are high. Those of you who have registered to speak will be given one minutes; this was announced several times.

We are here to listen. We cannot respond to individual speakers; it is not a dialog between you and us, but we are here and are listening.

Sheryl Chandler, 4803 Crownvista Drive said I have been a Charlotte resident for 30 years. In December, New York City passed similar legislation using the identical gender expression language that is in Charlotte's ordinance. It is now a crime, punishable by quarter million dollar fines to cisgender someone by calling them a pronoun that they do not prefer. LGBT leaders claim upwards to 85 varieties of genders, and it is ever evolving. Nano, a 20 year old from Norway feels she was born into the wrong species. She believes she is a cat and her psychologist agrees. Mr. Richards, a 57 year old from England has hundreds of colorful feather tattoos on his body, face, and eyeballs. He has had both ears surgically removed all because he believes he is a

parrot. I submit to you that soon Council you will be forcing business owners to install litter boxes and newspapers in bathrooms to accommodate this new trans species psychosis. Laugh if you will, but a few short years ago you would have also laughed at the idea of a man showering in a locker room with your daughter.

Jeanette Wilson, 9216 Stonegate Drive said this momma bear is back, and I am still angry. You have prostituted yourselves during your campaigns, and someone wants to get what they paid for. This ordinance is exactly what they paid for and you are going to push it down our throats. Real discrimination happened at a lunch counter in Greensboro in 1960. Discrimination based on genetics, not personal choices. Discrimination wide spread, and recorded, here nothing except your bias survey. How come their antidotes are evidence, but ours is only fear mongering? White woman identifies as black; 52 year old man identifies as a six year old girl; sighted woman identifies as blind; man identifies as woman. If we are going to throw out science and DNA who cares? I care. I want my children protected. Mayor, your community forum was a sham. You and other Councilmembers do not care to hear what we have to say. If this went for a public vote, it would be soundly defeated, and you know it, and that makes you the real bullies. This ordinance is fad for Charlotte.

Nate Atwood, 2027 Emerywood Drive said I am pastor of St. Charles Presbyterian Church here in Charlotte. I am the moderator of the 29th General Assembly of the Evangelical Presbyterian Church of America. As such, I have had the responsibility for 150,000 human souls. The first rule of leading is that you do not waste your leadership capital. Today we learn from Governor McCrory that the state legislature will almost certainly overturn this ordinance if you pass it tonight. In other words, once again this City Council and you Mrs. Mayor, have divided the city, raised the passions and anger of many on both sides, and pitted the good people of this region against one another. After all of that, it appears that you will accomplish nothing. I agree whole heartedly with those who oppose this ordinance on principal, but I choose to speak to your failed leadership as a Council. Had I and both of the churches I have lead and produced nothing, the people I have serves would have had my scalp and deservedly so. Your stewardship of your trust is abysmal; save what little leadership capital you have left and vote no before those in Raleigh appropriately take you to the woodshed.

Janice Covington, 1810 Furgerson Court said I have come here today to present these letters from the Carolina Panthers, from the Charlotte Motor Speedway, and from the Charlotte Knights. After corresponding with them, they told me that they have no problem with me going there and using the facilities of my gender presentation and also the same with other transgender people. Since our Governor had the audacity to threaten our civil rights in the Council of my city, from governing in a fair and inclusive way, I must say that his personal bigotry and prejudice and jealousy is out of line. Pat McCrory is the worst Governor this state has ever had. He has stolen the rights of women and wants them back in the kitchen. He has allowed our grant water to be poisoned by allowing fracking.

Jamie Smith, 11812 Creek Turn Drive said what you will hear today is a bunch of comparison to civil rights and Jim Crow Laws. They will tell you it is just like how black people were discriminated against in the South, but as a black man raised in the South, that is a lie. Think about this, how many transgender people are being told to use the bathroom that is only for them where the facilities are broken, rusted, rundown, and almost unusable? How many transgender people are being told to receive their food from the back of the restaurant when other people can sit down because it is a straight person only restaurant? None, what they are being told is that they can use the restroom like every other Charlottean in this room, where if you are a male you use the male restroom, and if you are born a female you use the female restroom. For everyone who thinks this ordinance is a good thing, ask yourself this, do you want a man my size, 6'1, 250 pounds in the bathroom with a wig on with your little four year old girl that looks like this? I do not think so.

Matt Hirschy, 3123 N. Davidson Street said I am the Director for Advancement for Equality North Carolina. In my role with Equality North Carolina, my job is to work with the business community to increase statewide workplace protection policies. North Carolina is one of 29 states where it is legal to fire someone simply for who they love or who they are. This ordinance does not affect employment, right? It does go a small step in order to protect our citizens here in Charlotte. Many Fortune 500 companies already have these types of policies, and it is really important that city government keep up with those companies simply because we have to make

sure that those employees are protected the second that they walk down onto the street and that their families share those same protections. So, as a lifelong resident of Charlotte and somebody who grew up here and has really seen a lot of great things happen in growth for the city, I urge you to please support this ordinance and pass these protections to make sure that Charlotte is up to date with the rest of the country.

Crystal Richardson, 2437 Reid Oaks Drive said I am a local attorney and also the Director of Advocacy for Equality North Carolina. Charlotte City Councilmembers please vote yes for this ordinance. The summary of the 140 LGBT individuals reporting discrimination is a clear indication of what happens when some Charlotteans are left up to their own evil devices. There are a number of LGBT Charlotteans, particularly LGBT people of color, who have experience discrimination and violence with absolutely no way of reporting these issues or tracking the results of wrong doings. I know because I work with these people every day. If you do not pass the non-discrimination ordinance, you have left hard working, tax paying, and people with no mechanism of tracking discrimination. Where does this leave people that have experienced this type of discrimination? The opposition believes these protections are not necessary only because they do not experience it. We are all created divinely, and we are all worthy of respect and dignity. Council, I know that we can't change people's attitudes, but we can change laws to make things fair and equal. Please vote yes for this ordinance.

Christian Canoa, 2437 Reid Oaks Drive said tonight I would like to challenge all of our family, friends, and neighbors to put on your common sense hats for a while. I hope that this would allow us to separate the politics of pandering from our Governor and his political establishment on this issue. So, that way we can address real attacks on real religious freedoms. I challenge our neighbors to look to the past political hates, like my family went through in Texas, where signs like this were put up in front of bathrooms that say no dogs, no Negroes, no Mexicans allowed in these bathrooms. Our 2015 election cycle was very clear. We voted you in because we knew you would support this ordinance. The people have spoken, and we trust that you will vote and support this common sense update. I ask all of our neighbors to ask our government or demand from our government and his political establishment to send out the same emails to bring all of these people here when we talk about other issues like our poor, or undocumented neighbors, coal ash, and health issues. If you are truly a Christian, you will also fight for those issues as well.

Elaina Smith, 6511 Windy Rush Road said let me be clear, please. We are not saying that transgender people are predators, but we are saying that there are countless deviant men in this world who will pretend to be transgender in order to gain access to the people they want to exploit. The situation at Seattle Parks and Rec is proof and evidence that this can and will happen here in Charlotte. Our concerns are falling on deaf ears and we are being called fear mongers and bigots and haters. It is a manipulation and lie to say that we are fear mongering and being hateful simply because we do not want to open the doors for deceitful men. It feels like you the Council and those supporting this ordinance are saying that I have to accept this, or I am an unloving, horrible person. Again, that is manipulation. I am a very loving person, but I do not have to share a bathroom with you or take a shower with you in order to show that. The Charlotte Observer reported that a majority of voters oppose this expansion. So, why are we even here? We already voted. I feel for those that are confused, but a cross dressers liberty to express his gender nonconformity does not trump my right or the right of my daughters.

Lara Nazario 9028 Providence Colony Drive said I am a transgender woman, and I am afraid to be here today. I am afraid of an opposition who is also afraid of me. They are afraid that I, or people like me are going to victimize children or cisgender individuals. This idea is opposite to the reality that I live in. Being assigned male at birth and dressing the way I dress can be dangerous. If I were to walk into a men's bathroom I would either be told that I am in the wrong bathroom, or I would be ousted as a transgender woman. This can often lead to violence or harassment, especially when there is no protection in place for people like me. When I am out in public, I am usually with my cisgender girlfriend. We walk into a bathroom together or into a less accepting part of town and then it is clear to me that we are not equals. Is it my height or my Adam's apple that makes me less of a human being? Is it my broad shoulders or my genitalia? I do not want special treatment, and I do not want to change anyone's beliefs or life style choices. I only want to be treated equally.

JoAnne Spataro, 9028 Providence Colony Drive said what is going on here? I thought we were there to add protections to an existing ordinance, which has been around since 1968. That is the same year that Elvis did a comeback special for all of you Elvis fans. This isn't a real discussion, just as what I said is not a real thing, okay? All I see are people holding signs, calling other people perverts. When I typed in the word pervert into Google the word automatically added of God on the end. Religion is a belief, which means it is a choice. That is great. Being transgender, lesbian, and/or gay, is not a choice. The choice is whether they feel safe to be themselves in public. That should be fine too. It is the duty of the City to hold all citizens equal. Transgender people, like my very brave girlfriend you heard, and queer people just like me should not have to endure people raging at them. We do not want special protections, only the same protections, but that would mean the people who do not agree would have to stop calling us perverts and start seeing us as people.

Juli Ghazi, 1911 Central Avenue said I am the owner of Pure Pizza, a restaurant with two locations in the city limits of Charlotte. I am a single mom, and I am a Christian, and I am here supporting the non-discrimination ordinance. Many here tonight are speaking out because of fear based, hypothetical, what-ifs, and I am actually one of the only ones of a for-profit private sector business that can speak to you from experience, not fear. That is because, at my restaurant on Central Avenue/Plaza-Midwood, we have a multi-stall, gender neutral restroom. It has received international attention for its inclusion. I am here to tell you what that restroom is not. It is not a place where perverts are drilling holes in the stalls to peep at people beside them. There has not been a single incident of a man dressed as a woman lurking to harm woman and children. There has not been any gay or straight sex initiated in the bathroom. There has not been a single transgender person who has exposed him or her sex to children. A gay person has not hit on a straight, and a straight has not harassed a gay person. There has been no deviant behavior of any kind, and we are a very busy restaurant.

Kenn Huston, 633 Venue Place said our current bathroom policy does not discriminate. Everyone now has equal access to a facility that corresponds with their biological gender. A male only, a female only law is objective and can be readily enforced and protect the safety of our perspective occupants. Gender mindset cannot be enforced. Blended bathrooms for the sake of less than 1% of our population will discriminate against Charlotte majority. We should in no way jeopardize our women and children considering the documented exposure cases that have occurred in mixed gender facilities. Keeping separate facilities validates the uniqueness of each gender. Male and female were created distinctly to fulfill vital roles in our society; therefore, a no vote tonight is imperative to protect the safety and sanctity of our men, women, and boys and girls.

Matthew Craig, 708 Ellsworth Road said my concern is that there is not a long-term view that is being considered here. The pattern seems to be ordinances like there are being put in to place, activists use these ordinances to target businesses who will not accept their agenda, and local and federal judges make those individuals and owners comply. Headlines from the last 18 months: fact, employer must pay \$115,000 for not acknowledging transgenderism. Fact, baker forced to violate his religious conscious. Fact, fire chief fired for religious believes. Fact, couple loses business and face finds because of gay activists. Fact, TV show canceled by threats. Fact, sport's channel host sacked because of threats of gay activists. Fact, tech giants CEO fired for his moral beliefs. Fact, Cisco fires Christian consultant because of his faith. Fact, Bank of America fires highly respected trainer because of gay activists. Fact, high honored Navy chaplain fired. Fact, gay activists set up an Army chaplain in order to destroy his career. Florida city wages Soviet style crack down. Shame on the City Council for bringing this here.

Kristin McCora, 3714 Armitage Drive said with only a minute to speak I do not have the time to tell you how dangerous this ordinance could be for all females. So, instead, I will just say that it is not discrimination to say that if you have a penis, you use this bathroom. If you have a vagina you use this one. It would only be discrimination to say that a person could not use either. It is not the true transgender person that we fear; it is there pervert. It is the perverted cross-dresser. It is the pervert who will use this ordinance to access women and then assault us either physically or electronically. As far as the other part of this law, it goes both ways. If you tell a Christian baker that they are forced to bake a homosexual promoting cake for a homosexual marriage, then you are also telling the gay print shop owner he must print signs and tee shirts for the Westboro Baptist cult that says that God hates fags. A person should be able to say no in both

of these cases, and Mayor Roberts, since you want us to love our neighbor, I am going to love you enough to say you need to repent from your sins, and turn to Jesus.

Edwin McCora, 3714 Armitage Drive said right now women have a right to an area away from men where they are vulnerable. If this passes they will no longer have that right. So, to give these transgender the rights that you are trying to give them, you have to take away the rights from women and children to have an area to use the restroom where they are very vulnerable. It is a bad thing because of men like Bill Clinton, Bill Cosby, men who hide cameras in heating ducts, sex traffickers, peeping toms, upskirt.com. Men assault women. They are famous for it. Women need a place to go use the restroom without worrying about men. So, to pass this you have to take rights from someone else. So, who do you take the rights from, the women and the children or men who like to dress up like women? It is ridiculous.

Pam Burton, 4736 Kirkgard Trail said I have been a resident of Charlotte for the last 18 years of my life. The residents of Charlottes voted for you to represent us. I just ask you to please see the hordes of people here tonight, and please do not discriminate against us. Do not discriminate against me or my children. You took an oath of office. You had your left hand on the Bible. The Bible says: Mathew 18, if anyone causes one of these little ones who trust in me to stumble it would be better for them to have a large millstone hung around their neck and be drowned in to the depths of the sea. I just ask to you not take your oath lightly. I am certain that this proposition will be harmful to the children of Charlotte. I am not scared of transgender; that is not what I think that the problem is. Sexual predators are not good people. They do not do the right thing. They are going to see this ordinance as a golden opportunity for fresh victims, our children. My 16 year old daughter swims at the Y year round. I am not going to be able to confidentially continue to allow her to use that locker room if this passes. Crime was up ten percent last year in Charlotte. Shouldn't we be spending our time and resources to lower this, not open the flood gates to raise crime even higher? Again, I just ask to please not discriminate against me and my children. If one child even becomes a victim due to this it is a shame on all of you.

Bethany Chandler, 4803 Crownvista Drive said I was born and raised here in Charlotte. I believe by now, most has been said regarding the pros and cons of this ordinance. So, with my time I would like to make two appeals. First, to the Councilmembers in support of this ordinance, you are called to be the leaders of our city, stalwarts of justice. As a high school senior on the edge of adulthood, I am utterly disappointed and ashamed of you. You have acknowledged that the vast majority of Charlotte is against this, but to quote Councilman Austin, you just do not care. What kind of leadership is this? What messages are you sending my generation? You are abandoning objective truth in attempt to protect subjective feelings. I urge you to uphold justice as you each swore to do. Secondly, I appeal to the LGBT community. I know your hearts are filled with turmoil friends, but peace will never be found by perusing your heart. True freedom is only found in surrender to Jesus. It is the most beautiful paradox. I urge you; find true peace and joy in him and his forgiveness. Jesus was nailed to a cross to offer you this freedom. Please take it friends.

Nathan Chandler, 4803 Crownvista Drive said I am straight out of Charlotte. Do not pass this ordinance. Do the right thing and thwart this. In every way, it will be unhealthy. The predators will not have to be stealthy. Our feelings are nothing but vanity, leading us down roads of profanity. We need to follow only God's rules; without him we are just mere fools. Think of all that his would affect, to use the bathroom with the other sex, the danger and worry that it would create, it is called concern about safety not hate. I am not giving transgender a label, but a man wearing a dress is unstable. Your comfort level and feelings are untrustworthy, when you should be focusing on eternity. We should never forget propriety and always practice piety, but passionist will cause anxiety. Bathrooms were meant for one gender, not a variety. For true comfort, look to Jesus. Do not continue down this path of sin. Look up, repent, and turn to him. Do not look down on me because I am young. You all know I still have a tongue, and if you do not believe me look it up. It is in Timothy 1.

Gabriel Rogers, 4712 Tuckaseegee Road said I want to honor my Lord and Savior Jesus Christ. It is an honor to be here tonight. I am here to adamantly disagree with this ordinance. I say first as a Christian male, I disagree. Secondly, as a black, Christian male I disagree. I will remind you that homosexuality is not the new black. Shame on you who are considering this as the same thing as black people sitting at the back of a bus; homosexuals have not been asked to move to the back of the Charlotte area transit system. They have not been asked to eat in the

back of the Capital Grill, or caused to drink out of an isolated fountain. So, I ask you tonight to not impose these values on us, and give us the right to disagree. We disagree. I am not a homophobe; I'm a theophobe. I fear God; Jesus is Lord, and that is my opinion. How will you police the perverted man that wants to look at someone's chest? You cannot police it, but at the end of all of this, I will remind you that the Council of the Lord will stand.

Bill Montross, 7207 Firespike Road said I work with business men, with small business owners, helping them to live out their faith in their work, running their businesses according to Biblical principles. This ordinance that you are considering tonight will make that impossible for them to do. They will have to make a decision of am I going to violate the law or violate my conscious, violate my principals. That is untenable. It has happened around the country where businesses have closed, economies have been impacted because of laws like this where activists target Christian business owners and file a lawsuit which brings the businesses down. We do not need that here in Charlotte. This ordinance is not fair, it is not necessary, and it is not what the business community of Charlotte wants; it is not what the people of Charlotte wants. So, I urge you vote no.

Amanda Brown, 4600 Castleton Road said disappointing is a Mayor who had a golden opportunity to demonstrate true leadership and bring two sides together, but instead chose to throw it away. Disappointing, are the four at large councilmembers who chose not to return my calls. Although you may not share my opinion, I am still your constituent. My opinion should matter to you. Disappoint is an ordinance that will not solve the problem mentioned in the ICYMI survey. This City Council, with the exception of Ed Driggs and Kenny Smith, has made it clear that I, as a conservative and a Christian, do not matter. In the words of Al Austin, the loud voice of 39,000 emails did not make much difference to him, truly and utterly disappointing.

Mark Blackwell, P.O. Box 1154 said some of you probably remember me from the July 11th meeting with the human trafficking proclamation. Again, I really appreciate that. As you know, I work with victims of sex trafficking that are male, female, transgender, homosexual, all types, but this ordinance could really jeopardize our opportunity to offer a correct shelter. For example, right now we can have women that are in a shared shelter space that we would often times have to double up because of the limited funding and limited space, but a transgender or someone that just expresses himself as a female, that actually has a penis, we would have to obligate them, and accommodate them and have them share a space not just with any women, but women who have been raped and exploited and abused for months, and months, and months prior to this. Now, I understand that many of you think that you are doing this right, noble, courageous thing, but the way that the spiritual forces of darkness actually work is that they manipulate good to look like bad and bad to look like good. That is how they pervert things. So, understand that you may be under the influence of demonic forces, and all that I can do for that is just say Lord, please come into this room and just take over this meeting. Let us not be under the minds of corrupt man, but let us be under your wisdom. Give us eyes to see and ears to hear, and in Jesus name, amen.

Jay Biles, 400 N. Church Street said I am a Human Resources Executive with a large employer here in Charlotte. I have lived here for 26 years, and I love this city. I am here tonight to ask you to vote yes to expand the non-discrimination ordinance to include LGBT citizens. I am asking this for a number of reasons. First of all, I do not want Charlotte to repeat the mistakes of the past and be perceived as not welcoming all people. I stood in this very chamber in 1998 when the County Commission voted to defund the arts in Charlotte over a controversial play. The city looked ignorant, short sighted, and not accepting of others, and the decision was ultimately reversed. Two years ago, the state amended the Constitution define marriage between a man and a woman, that law has been changed based on the Supreme Court decision. Last year the City Council voted against this ordinance that is before you tonight. I am an out, gay, proud citizen of Charlotte. I expect and deserve the same rights and protections of other citizens, no more, no less. I ask your vote tonight to be yes.

David Evans, 6209 Nealwood Lane said vote no; the population of Charlotte is 800,000 people. You are considering the legislation that affects a very, very small group of people, but negatively affects a very large number of people. We went through all of this last year. Why is it back again so soon? If it gets defeated again tonight is it going to be back again next year? There is not a large public outcry in support of this. Are you listening to your constituents, or are you just listening to a few loud people and being pushed around by political correctness? Where folks go

to the bathroom is about their biology. It is about their body parts, not by what they think that they are. What you are proposing here in this bathroom is very confusing, and it defiles natural laws and common sense. So, in summary you are being pushed around by political correctness and the voices of a very loud few people. Please listen to common sense and the vast majority.

Ann Hooper, 2127 Winter Street said I am a lifelong Charlottean and proud member of the LGBT community. When fear and anxiety divide our city, it is then that we run too quickly and too easily to the safety of people who look like us and think like us. Too often we surmise the people who are different from us are in fact a danger to us, but that is fear talking, not fact. As elected officials, you have the opportunity, the responsibility, and our support to make decisions based on facts and to lead us beyond fear. The idea that protecting our trans brothers and sisters will somehow endanger us is simply bogus. Transgender citizens must have ready access to services and goods without denial or harassment. It is really as simple as all men are created equal.

Ann Marie Lloyd, 4327 Poplar Grove Drive said I have three points. Point one; there will always be special interest groups. This one is .03 percent of the population. Why should 99.97 percent of the population feel unsafe and uncomfortable? When using a woman's shower room young girls should have the right to not see male genitalia because a confused person feels like a woman. Point two, the cost of this ordinance is huge. How will police enforce such vagueness? Will Charlotte be the first city sued because a pedophile used this law to harm a child? My church will be unable to serve the homeless because of this ordinance. Point three, this whole ordinance is about feelings that change like the wind. How do you prosecute someone when the law says whatever you feel is okay? The feelings are the ultimate arbiter of truth, and I identify myself right now as a Charlotte City Council person who will be voting no tonight follow the lead.

Alicia Mercer, 10606 Bere Island Drive said I live in Charlotte; I stand with those who have voiced safety concerns with men using women's public accommodations. In addition, although the LGBT community talks about victimization, in other cities we know that the LGBT have targeted Christian businesses to induce a refusal of service so they can file a lawsuit. Lawsuits are their way of forcing us to accept their lifestyle. It is not the LGBT community that is increasingly experiencing attacks on their character and business and facing fines in exorbitant monetary judgments for adhering to constitutionally protected beliefs. Last year, Councilwoman Mayfield, president of the LGBT Local Officials made a statement dismissing the opinions of people who live just outside of Charlotte. HRC, MeckPAC, and other LGBT packs from across the country funnel money into Charlotte and endorse those who promise to support them if elected, but you want us to be silent, those of us who live in Charlotte and just outside. Looking pragmatically at what you are considering this amendment will cause many more problems than it resolves; you are considering an amendment that will result in people being fined hundreds of thousands of dollars and jail if they do not obey. You are forcing us to choose between obeying our Lord and obeying the law. If you care as much about liberty as you say, you will not pass this amendment.

Alva Yandle, 2209 Archdale Drive said I am a lifelong member of this community, and I am a voting, tax payer. I have grandchildren, and I am very much concerned about this ordinance, not for the transgender but for the people who would attempt to act like transgender. I have grandchildren that go to Ray's Splash Planet; they will not be going there anymore if this passes. I have friends that are members at the Y and they will not be going anymore because they will not put their children and grandchildren at risk to this. This is not about hate; I love all people. I told a friend of mine the other day that I would be the first one to come along side someone that was being discriminated against in being served in our city, but that doesn't mean that I agree with their life style, but I always try to say it in love and dignity. You guys, we have elected you to represent us, all of us. So, you all need to use wisdom in this. Righteousness exalts the nation and sin is a reproach to all people, and we have to answer for what we do in this life.

Jenny Champion, 1613 Lombardy Circle said I remember when I was a little girl and how shy I was and very protected if showering, dressing, or private times that a young lady needs. I remember being shy about changing clothes in the locker room, even around my friends who I knew so well. I could not even fathom the thought of dressing with a strange man present that may or may not be transgender, who knows, depends on that individual. As I continue, I am not stating that transgender are predators, but I am saying that I am not comfortable with that, and

Mayor, you based your survey of feelings of 15 incidents that were based on feelings. Well, my feeling is that I am not comfortable with this and, that is what the majority of this community believes. We do not want this. We cannot take a survey based on feelings that are unfortunate, but they do not constitute discrimination, vote no.

Kathryn Mahan, 2127 Winter Street said my first encounters with transgender people blew my mind because they were in the midst of a life experience I simply could not understand. Now, my transgender friends blow my mind because I see their courage and their determination to be their authentic selves and to leave this world a better place than they found it. They inspire me. My Christian upbringing taught me that to be companionate like Jesus we must not dismiss people because their life experience makes us uncomfortable. Discomfort is the hallmark of every social justice milestone. Every time we broaden the reach of inclusion and equality we make our community stronger, every single time. Please protect all of our citizens, even the ones who make us uncomfortable. Lesbian, gay, bisexual, and yes transgender citizens deserve leaders who both strive to understand them and protect their basic human rights. Please vote yes.

Dr. Karen Muehl, 1616 Cleveland Ave. said a central value of America is that we do not discriminate against people on the basis of identity. This Council knows that every person deserves the right to eat at a restaurant, ride in a cab, or use a public restroom. Unfortunately, transgender people are being harassed, beaten, killed, and driven to suicide, in part because of the intolerance and discrimination that they face. They are regular people, healthy, productive members of our community. They should be admired for their courage to live authentically, affirmed, not assaulted. Some of you will feel uncomfortable with a transgender person in your restroom. Well, the freedoms we are afforded as Americans sometimes make each other uncomfortable. I have felt uncomfortable several times by the free speech that has happened tonight, but I am an adult. I am not asking the Council to protect me from this discomfort that is not your job. So, I can ask you to help protect the LGBT citizens of Charlotte from discrimination. Let's be true to our American values and pass this ordinance. Let's also know that you want him in the women's room.

Dr. Holly Savoy said I am a license psychologist in Charlotte and a founding member of the Charlotte Transgender Healthcare Group. The majority of my clients identify as transgender. Here are a few facts. In a recent national transgender discrimination survey, more than half of transgender individuals reported being harassed going into a public place, such as a restroom. Such harassment and discrimination can drive transgender individuals to attempt suicide at higher rates. A staggering 41 percent of transgender individuals attempt suicide compared to only 1.6 percent of the general population. One of my former clients, not only attempted, but died from suicide due to the discrimination she faced in simply trying to be herself and live her life. I count data from other cities with similar ordinances in place does not substantiate claims that the safety of women like myself and children will be at greater risk. I council and support individuals not currently protected in our city every day, and I urge you to take action and reduce the trauma in their lives by passing the ordinance.

Keren Bovan, 1900 Kensington Avenue said I have been a successful business owner in Charlotte for over 30 years. I must stand before you this evening and I think Martin Niemöller's famous quote says it all for me about discrimination and not speaking out. They came for the Trade Unionists, and I did not speak, for I did not belong to the Union. They came for the Jews, and I did not speak for I was not a Jew. They came for me, there was no one left to speak. It is my believe that anytime the government allows one group to initial discrimination towards another, we as Americans are stepping on to a slippery slope. We ask you to speak for those asking for equal rights or fold under the pressure of the loudest clanging bell. For me, the bottom line is LGBT community is made up of many facets. They are tax payers, they are voters, and they are citizens who make up a valuable fiber of this community. Many of you sitting on this Council tonight have serves on boards with us.

Shane Windmeyer, 2226 Collingdale Place said I am the executive director of a national non-profit organization based here in Charlotte called Campus Pride. We work with about 1,400 different colleges and universities across the country as well as area colleges here in Charlotte. I am proud to stand up here today to put our vote in favor of a fully inclusive non-discrimination ordinance. I am also a resident of Charlotte; I have been a resident for over 20 years. My husband and I got married legally right here in Mecklenburg County this past July, celebrating our 20 year anniversary. I think it is important more than anything tonight to know that our

words matter, our actions matter. All of you were elected, and if I remember right we had something called TurnOUT Charlotte, and you were elected to make this happen, to pass a fully inclusive ordinance. So, I hope we remember that. I hope we remember that there are young people out there who are lesbian, gay, bisexual, transgender, and we have to send our love, our compassion, and our hope to these young people because the last time we did this we lost people in our own community to suicide, and I do not want to see that happen again. So if you are listening tonight, know that you are loved. Your God loves you.

Sean Brinza, 1429 Seneca Place said Jesus is Lord. By what standard are you considering this ordinance tonight? God's word or man's flawed reasoning? Will we be like Adam and Eve in the garden and decide morality for ourselves, or will we obey God? Whether you accept them or not, Jesus is King over all, and he will judge you. As Christians this is not about a religious conscious. It is about what God says. If these folks are so delusional about their gender, perhaps bathroom destinations of penis and vagina would solve the problem. No matter the outcome to night, I speak for the true church in saying we must obey God rather than wicked men. Psalm 2 said be wise oh kings, be instructed you judges of the earth. Serve the Lord with fear and rejoice with trembling. Kiss the sun, lest he be angry, and you perish in the way when his wrath is kindled but a little. I plead with you to repent, and turn to Jesus.

Councilmember Smith arrived at 7:44 p.m.

Erica Lachowitz, 15721 Castle Watch Avenue said I have been in Charlotte for about 12 years now. I am a mother and as a transgender woman myself, I have got to tell you; I hear so much rhetoric about religion and how important religion is to everybody when making these decisions. The separation of church and state clearly doesn't apply south of the Mason Dixon. So, I have an issue and the issue really comes with understanding what discrimination is really like. I have had my ribs broken; I have had my face smashed into the ground; I have been denied the use of a restroom, embarrassed, ashamed, and made to feel like less of a person. Police response: well this wouldn't have happened if you were not dressing as a woman. I never knew how to be a boy. I told my mother when I was five. There was no Facebook; there was no way to communicate this. I did not make this stuff up, and I am tired of going to funerals. I am tired of going to wakes. It happens from the top down. City Council, pass this vote, please.

David Greene, 5240 Carriage Drive Circle said I am not going to lecture you on the importance of bathrooms or even talk about bathrooms. I am going to share my story. I am a native Charlottean representing HRC North Carolina. As a gay male who came out in the mid-90's back in Charlotte I can share with you that this was not an easy task. I can still remember the pain and the suffering to this day, the time that I was denied a rental property just because I was in a relationship with another man. We have come a long way since that incident happened, but the humiliation of that day still rings true to my mind. I asked the Council to keep this in mind as you vote tonight. Charlotte wants to be known as a forward thinking city. By not passing this ordinance you are not pushing us forward, but instead you are going to hold us back. Let Charlotte join the 225 additional cities around our nation that include protections for all people including our LGBT citizens. Please vote to pass this ordinance tonight.

Corey Travaguni, 12606 Sitka Court said Mr. Austin you said recently in support of this ordinance that Charlotte City Council was going to move forward with it because we are trying to show the world that Charlotte is an inclusive place. So, let me understand this correctly. We want Charlotte to be inclusive at the expense of sacrificing our children's safety, security, privacy on the altar of political correctness? With all due respect Sir, this is not an ordinance of inclusion but of confusion. The seeds this Council sows tonight in support of this ordinance in behalf of the most precious and the most vulnerable in our city. You may not see this harvest for a while, and you think what you are doing is right, but it is written that there is a way that seems right to a man, but in the end it leads to dead and destruction. Be assured you will reap what you sow here, personally, and in eternity. This local government was set in place to support the City residents, have our best interest in safety as heart, and this is agenda if I have ever seen one, and you will be held accountable for your actions. Please choose to do the right thing and not the popular thing.

Stephen Waldner, 7011 Ravencrest Drive said there are many facets to this issue tonight: physical, mental, moral, physiological, traditional, legal, spiritual, cultural, and many others, but for tonight we expect you to make a fact based decision on one thing alone, on biological,

anatomical makeup. You ladies should never have to worry when you are at a restaurant with your kids about your daughter running face to face with an anatomical male, in the shower or in the restroom. None of you anatomical females have any right; you should never be in the men's restroom either, no matter how masculine you might feel. So, Councilmembers it doesn't really matter what you or I or anyone here thinks, believes, feels, or preserves that day, we expect that we will hold you accountable to make your decision on biological, anatomical makeup. Do not opt out for some third bathroom option either, that is a copout. It is an added expense for all business people. We expect you to vote no.

Teresa Wilson, 9216 Stonegate Drive said I have lived in Charlotte all of my life. I recently attended the community forum which was held to discuss this proposed ordinance. We broke up into small groups, and I was told that supposedly transgender people are being beaten in restrooms. This is obviously already illegal which brings me to the question, what is this anti-discrimination ordinance really going to do for the transgender people in the bathrooms? The more I researched this ordinance the more I realized that it is not meant to benefit the LGBT Plus people or anyone physically being abused in bathrooms. It was carefully created to target those who disagree with the beliefs and lifestyles of this community. It was created to give license to prosecute, harass, and destroy anything or anyone who hinders this agenda, whether personal, business, church or individuals or anything else that this ordinance can apply to. This ordinance will be used to silence those who disagree with the agenda, vote no.

Robbie Wilson, 9216 Stonegate Drive said I cannot honestly believe that the City of Charlotte is even considering making these changes. You all realize this does not make a bit of sense whatsoever. The only thing that makes sense is that you are not thinking about the bulk of the citizens, the businesses, and the visitors that come to Charlotte and work in Charlotte, but you are thinking of an agenda that you want to shove down the people's throats. This creates so much chaos for nothing. You think you are doing a good thing, to protect a select group, when actually you are promoting a bad thing that is going to bring so much harm to another group. The Scripture tells us that people are so wicked and desire to sin so much they will create new ways of sinning. You are helping them do that. In Isaiah 5:20 it says woe to those that call evil good and good evil, who put darkness for light and light for darkness, who put bitter for sweet and sweet for bitter. You are busted; you all are doing this exact same thing. Don't do it Charlotte.

Jennifer Ratajczak, 2024 E. 7th Street said I am here on behalf of the Charlotte Transgender Healthcare Group. We are a rapidly growing group of medical and mental health clinicians holding over a dozen different credentials between us. Every day, we are faced with the aftermath of transphobia and legal discrimination. We see individuals who lose remarkable careers, can't find safe shelter, and even our youngest students are afraid to go to the bathroom at school. Grieving loss, after loss, of our promising youth to suicide illustrates how hopeless it can feel to navigate this community. At the end of the day, we are simply here regarding a civil rights issue that in many ways mirrors our histories past. Now is in the past, prejudicial agendas fueled by irrational fears, not based in fact have overshadowed the basic rights of a victimized and vilified minority population. As informed, medical professionals we can assure you that gender diversity is a natural part of human diversity. Charlotte is a remarkable city. So, let's not lose sight of the big picture and join the leading cities of this country by bringing our non-discrimination ordinance up to date to protect both the proud citizens and our great city.

Connie Vetter, 6096 Chinaberry Court said I live in Mr. Phipps's District 4. I am a lesbian, and an attorney, and a business owner. Tonight I am speaking for equality and civil rights for LGBT people and others seeking equal treatment. On Thursday, upon receiving the Julius Chambers Diversity Champion award from the Mecklenburg County Bar Association, the... position of these two nights is not lost on me. I and my lesbian, and gay, and bisexual, and transgender brothers and sisters can leave here tonight and be denied service at a hotel, or a restaurant. My transgender brothers and sisters are being treated horribly, denied service, being assaulted. My clients call me for help against the discrimination they suffer. Transgender men are men; transgender women are women, period. We have a lot of work to do. Start tonight by passing this ordinance.

Quinita Martin, 13206 Winslow Hills Drive said thank you for the opportunity to exercise my First Amendment Freedom of Speech as a Christian and as a supporter of Jesus Christ. You are taking our city on a very slippery slope to require our citizens to affirmatively endorse and co-sign people's subjective perception of themselves with the City of Charlotte giving my full

retirement benefits if I was 30 years old and assigned the birthday of 1986 but I feel like, act like, dress like, and identify with being 70 years old. The answer is no because not withstanding my feelings the facts are that I would not be 70 years old. Another issue is that this provision requires affirmative speech with which I specifically as a Christian disagree. As a Christian I shouldn't be required to make a tee shirt that reads I support gay marriage no more than a homosexual owner of a t-shirt business should be forced to make a tee-shirt that reads marriage between homosexuals is wrong. This ordinance is ill-advised, and I encourage you to turn from your intended course of action and vote no.

Steve Knight, 420 E. 15th Street said I am an Evangelical pastor at an Evangelical church here in Charlotte, Mission Gathering Christian Church. I am here to urge you to vote in favor of this non-discrimination ordinance tonight. I am speaking on behalf of the transgender members of my church and my friends in the community. I have heard a lot of people quoting the Bible here tonight, but I hear very few people quoting Jesus, except for the Mayor, who reminded us that Jesus said two things, love God with all of your heart, soul, mind, and strength, and the second greatest commandment is love your neighbor as yourself. Is it loving to fear our transgender neighbor? Is it loving to demonize them and discriminate against them. I think we know the answer. I think we know it in our heart of hearts. You have the binder; you have the facts. There have been very few facts that I have heard tonight other than let's get with it; 200 cities have already done it for decades Charlotte. Let's be a major city. Vote in favor of this ordinance.

Amantha Barbee, 6233 Edmore Blvd said I am here in support of the anti-discrimination ordinance. It deeply concerns me that some members of the Christian community are making this ordinance about their belief that being gay is a sin. As you are ultimately responsible for this decision, I say this to you as a member of the Christian community and a member of clergy in the Presbyterian church USA denomination. Being Christian means following Jesus, Jesus does not utter a word about homosexuality. In the Bible, it states clearly in John 3:16 that God so loved the world he gave his only begotten son, that whosoever believeth in him shall not perish, but have everlasting life, whoever. This ordinance is not about what Jesus does not talk about, but whether what is asked of you in Mica 6:8. As many of you are Christian, and it is possible to separate your civil service from your Christian service, the Bible states He has told you oh mortal, what is good and what does the Lord require of you but to do justice and to love kindness and to walk humbly with your God. Justice means equality for all no matter what, vote yes.

John Arrowood, 210 N. Church Street said I have lived in, paid taxed to, and been involved in Charlotte since 1989. I am an attorney, a former judge, and a former member of the Vestry of St. Peters Episcopal Church. I rise tonight to urge you to vote for these amendments. Discrimination against members of the LGBT community is real. The rhetoric we have heard surrounding this ordinance is exhibit A of why these protections are needed. In this debate, we have seen the opponents focus on fear which has no basis in fact. Fear is what we use when we do not understand things and is a powerful tool used in many jurisdictions against the LGBT community. I am here tonight to ask you to vote your hopes and dreams of a fair and just city and not your fear of the unknown. Let's all continue to work together to make Charlotte a diverse and world class city for all.

Diana Travis, 6904 Alexander Road said as I was cleaning out my chicken coop this morning, I congratulated myself on finding a new use for my old vote against Amendment 1 signs. They make an excellent chicken poop catcher under the perches at night. This got me to thinking, has the demise of Amendment one hurt any of you here tonight? Has the fact that I was able to marry Mary Anne, my partner of 25 years, specifically hurt anyone here, gay, straight, or transgender? At the forum earlier this month a lot of us on opposing sides of this issue got together in small groups. In my group, I do not believe any minds were changed but we treated each other with respect and actually did find some common ground. At the end of the session, we all shook hands and realized we were seeing each other as human beings with real fears and hopes. For those of you that oppose this ordinance, my marriage to Mary Anne did not hurt you, and I think that you will find that your fears for bathroom safety and for your rights being trampled on also, will end up being baseless. I urge the City Council to approve this ordinance.

Justin Reeder, 4816 Sirus Lane said I have owned and operated a business here in Charlotte for the last ten years. I am in District 3 where Ms. Mayfield serves. I am asking that you vote no for this ordinance. We have already had a lot of challenges in our business that we have to overcome. This would just be another challenge that we would have to overcome. I believe you

are actually not protecting anyone. You are going the exact opposite by voting yes for this ordinance. We have seen in other cities where businesses have been targeted for their beliefs; why do we think it would be any different here in Charlotte? I love this city and the people in it, but I do not support all ideas or messages. I also have a wife and two children that I am called to protect. By allowing men to enter a women's locker room while my wife and children are in there is not acceptable. I will not allow them to be left unprotected by one of their most vulnerable times. Again, I please ask you to vote no for this ordinance.

Marguerite Cooke, 1111 Mineral Springs Road said I just want to first thank you all for serving on the City Council Madam Mayor and Councilmembers. I know you have a very difficult and challenging position. I do understand why male transgenders do not want to use the men's bathroom, and I really feel for their difficult situation, but I also relate to the people who are afraid that their children, especially adolescents and high school would be exposed to an opportunity for abuse of this ordinance. So, I too would ask you to vote against it. I hope and pray that you will have the Wisdom of Solomon and try to come up with some kind of compromise if at all possible. If not taking out the gender identity/gender expression words from the ordinance, perhaps require full floor to ceiling doors and walls in the bathrooms and locker rooms.

Reverend Robin Tanner, 9704 Mallard Creed Road said I stand before you representing the 68 faith leaders who are members of the Charlotte Clergy Coalition for Justice. Although I am a minister, I will not quote scripture to you this evening. Instead, I would like to show from a different sacred document that we have in common. We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness. The Charlotte community has a moral compass that is grounded in a faith in humanity. It is a moral compass that can guide us beyond fear toward the better angels of our nature. Councilmembers, Madam Mayor, there are few moments in the history of the community when its leaders are afforded the privilege of voting into practice the vision of equality. Tonight is such a moment. May the moral compass of the Constitution guide you; may you vote in favor of the non-discrimination ordinances.

Dr. Leon Threatt, 7910 Idlewild Road said I have pastored here in Charlotte for 28 years; I have been honored to do so. I would like to encourage each of you to vote no for this city ordinance. This ordinance is not about hate; it is not about love. It is not about relationships; it is about bad policy and a bad law that will govern over this city. Those of us of the faith community, we have no hatred and no disregard for the people in the LGBT community, in fact if anything we are reaching out to them with a hand of compassion and love, but this ordinance is not good for our city; it is not good for our region. We would ask you to think cautiously and respect the profound impact this will have on this region is far reaching, and I would ask you to consider the long term judgment it has on all of our lives as certainly on your futures as well.

Sahiba Chawla, 902 West 4th Street said I am 25 and identify as a lesbian woman. Growing up in a very kind of different, traditional country like India, where being gay is basically a criminal offence, I was never given the opportunity of freedom to be completely myself, which is why years ago I just said well, I am going to go and find a better life for myself. I came to the United States which is the land of freedom and opportunity. It wasn't easy for me to come here and make a life, but I have faced a lot of discrimination and rejection from people, but ultimately I was able to overcome all of that and finally find happiness. I have just noticed that if you are giving people a chance that they do not against you; it is the best thing ever. All I just want to say is it is my personal plead to please extend anti-discrimination law to people like me.

Andrea Hines, 6904 Troika Court said I have been a Charlotte resident for 22 years. This bill will make what has been safe for females in their vulnerable moments, unsafe. If this bill passes, we females won't use or let our female loved ones used bathrooms or changing facilities outside of our homes unless they are locked private rooms. Council, this bill will impact you as well. Will you be comfortable with you using public facilities? How about for your loved ones? This bill will grossly negatively affect the economy of Charlotte, its businesses, tourism, parks and rec, conventions, sporting events, transportation. Who will want to have a layover in Charlotte? The tax base will tank. This bill will leave us females imprisoned within a small fear with which to travel away from our safe homes or leave us having to wear diapers. This bill is motivated by

distorted self-interest, a result of the moral chaos that is in this day and age. They do not consider the impact.

Diane Troy, 9627 Penhurst Trace said I live in District 6. I am a passionate, straight allies and a proud PFLAG mom. My son came out to me his senior year in college, and I was shocked and devastated. When I finally chose to reach out for help, I was greeted with an outpouring of support of love from PFLAG Charlotte and from my LGBTQ community neighbors. I learned how profoundly ill-informed and cloistered my life had been up until the point that my child came out. By opening my heart and mind to the experiences and challenges of the LGBTQ neighbors, I continued to experience profound personal growth and spiritual strength. Today I join with other PFLAGERS as we offer the same heartfelt support we received. We choose to pay it forward. Although everyone's journey is unique, despair, isolation, and fear are emotions experienced by every LGBTQ person and their families at some point. Tonight I implore members of the council with great emphasis on District 6 Councilmen Mr. Smith to pass.

Krista Tillman, 809 Mt. Vernon Avenue said I live in Charlotte, North Carolina just like everybody else here. I am here tonight representing the Straight Allies of the LGBT community. There are many of us and I am only one of many in this community, and I urge you to vote yes for this ordinance. I remind you that there is no credible evidence, none whatsoever of harm caused by passing such an ordinance. Cities as close to us as Columbia, South Carolina have passed this ordinance with no problems experienced or harm caused by this passage. No safety will be compromised. Our law will still protect all of us. I will also remind us all that there is ample evidence of discrimination, as represented unfortunately as some of those views in this room here tonight. Passing this ordinance would be good for all of Charlotte, straight and unstraight. It will tell the world, once again, how great we are in Charlotte.

Jordan Frederick, 4100 N. Course Drive said I am a native Charlottean and I teach high school English in Mathews. Every day I try my best to teach my students the meaning of respect. I hold them to high standards when it comes to their treatment of each other and they know that I expect kindness and consideration in all that they do. As we get closer to graduation, it scares me to know that I may be sending those bright, diverse, unique young people out into a world that does not share those same priorities. My transgender students are afraid to do something as simple as using the restroom? My gender non-conforming students fear persecution as they head out to the work place. My gay students feel they have to hide who they truly are. I am here to day to ask the City Councilmembers and Mayor Roberts to please pass the amendment to the non-discrimination act not for my sake, but for the sake of these children. They are our future, and they need our support.

Lauren Alleman, 2237 Shenandoah Avenue said I am a resident here in Charlotte, North Carolina, and I am also bisexual and trans gender. I transitioned here in North Carolina four years ago and at that time I can say that there were many challenges that a transgender individual will face here, even in this city. We like to pride ourselves on how friendly we are and welcoming, but even in a restroom where you think you have privacy, there is a challenge in just being able to use the basic facilities. It is funny trying to wrap up everything I have experienced and who I am in one minute, but for me this is a real issue. This is not hypothetical, this is my daily life. I am a good citizen; I pay my taxes; I volunteer; I work hard at my job; I take out my neighbor's trash when she hurt her foot. Do I not deserve the fact to be able to use the restroom?

Jamie Hildreth, 4608 Somerdale Lane said I am a resident of East Charlotte, and I am also the chairmen of Mecklenburg County LGBT Political Act Committee. I am here today to urge you to add the protected classes of sexual orientation, gender identity, and gender expression to your protected classes for public accommodation. I remember the first time that I actually spoke here in front of City Council. I spoke about how Charlotte was a safe and accepting city for me, and how I can be me, and how I could not go back to the small hometown that I was from and be who I was. However here, even in this city, some of the basic protections that I thought that I had, let alone the protections that our transgender community needs, they are not there. That is why I urge you to pass these protections so that we can make sure that Charlotte is the city that it wants to be and everyone wants it to be as well. A city that is safe and welcoming to all of its citizens where you can go out and be with your partner, who you love, be who you want to be. So, that is why I urge you to pass these protections for all of our community so we can move forward in unity together.

Ryan Morrice, 2300 Overhill Road said I am a born and raised Charlottean from City Council District 6; and I am a product of our CMS public school system. I came out as a gay man to my parents in high school and to everyone else my first year in college. I have been active in organizing for electoral and issue based campaigns since I was 17, and I can't think of a more salient issue in the fight for civil rights than the one before us this evening. I am sure all of you have received numerous hateful and ignorant emails from opponents of equality of this past week. My charge is to speak with you from experience. This ordinance is more than just the fears and doubts of those who would use our community as a wedge issue to turn out their voters. This ordinance is about real people who need your support to access their rights that they are guaranteed by the Constitution. We are tired of being discriminated against because of who we are. This common sense opportunity to provide the residence you represent with the protections they deserve should be an easy one to take. Teddy Roosevelt told us that aggressive fighting for the right is the noblest sport the world affords, and I hope you will join us in fighting for equality for all.

Emily Plauche, 170 Allen Street said I knew a girl once who was raped in a women's public restroom. The incident took place at a Charlotte bar around 7:30 in the evening after her drink had been spiked. This girl happened to be lesbian and the perpetrator happened to be a male dressed as a male in a female restroom. Rape of women and girls happens every day in and outside of bathrooms by males who do not need this ordinance or to dress as females to perpetrate their crimes. While there is no evidence to suggest that granting transgender people access to the bathroom of their choice will increase crime, there is insurmountable amounts of evidence of discrimination and hate violence perpetrated against individuals of the LGBT community. I am that girl who was sexually assaulted in a restroom, and I can tell you that rapists are already rapists and bathrooms are not. The oppositions contrived paranoia is not enough to deny me, as a lesbian, or my friends in the LGBT community the same rights as everyone else, in bathrooms or in businesses. I beckon the City Council to formally recognize that LGBT rights are human rights. Please vote yes.

Alexander Peña, 2600 Kendrick Drive said in 1933, Hitler enacted laws which created the Jewish populist of Germany as second class citizens. They lost basic rights; they were threatened and bullied into seclusion. In 2016, Sally meets the man of her dreams; she uploads a picture of herself kissing her boyfriend. She only thinks that she is in love and wants to share her joy. I on the other hand have to make a conscious decision to post a pic of myself and my partner. Will this get me fired? Will this cost me a future job? Is this worth the uncertainty? Today I could lose my job; there is nothing I can do about it. I am a second class citizen. My status further jeopardized by fear mongers and bigots, not unlike 1933 Germany. Charlotte is experiencing tremendous growth, trying to brand itself as a thriving modern city, full of opportunity. A vote no labels Charlotte as a smear from the past. Let us not let Charlotte be that city. I live here; I pay taxes, like all of you. So, remember lets define Charlotte by progress, vote yes.

Natalia Diez, 7008 Turning Point Lane said I am on the board of MeckPAC. I am also an immigrant, and although the struggles of immigrant communities differ greatly from those of the LGBT community, they have one fundamental thing in common, the need for equal protection under the law. Protection from discrimination brought on by fear and a lack of information and understanding. Often times, the people who most desperately need our protection are the ones that have the most difficulty getting it. You have the power to change that today. Charlotte doesn't need more discrimination stories; it needs stories of progress and unity. Let today be a day we choose inclusion and love by voting yes.

Chris Turner, 6327 Kifsgate Court said I am a resident here in Charlotte longer than I wish to admit. I want to thank Mayor Roberts and the City Councilmembers for allowing us to speak tonight to this issue. There are two documents that were created to guide this country, this state, and this city. The Bill of Rights and the Constitution, within those documents it states that all people are created equal and their rights are to be protected. Now, I am certainly no Constitutional scholar but I do not believe anywhere in those documents days it say rights are protected except for LGBT and certainly not transgender. As an elected official, it is your duty to uphold the rights outlined in these documents. Despite all of the emails, the phone calls on both sides of the issue, I ask that you vote tonight to provide the citizens of Charlotte equal rights and protections by passing this ordinance as written, no amendments.

Scott Bishop, 813 Hawthorne Lane said I am on the National Board of Directors for the Human Rights Campaign. I am a citizen of Charlotte. I come before you tonight to urge you to vote yes on critical updates to Charlotte's city ordinances that protect certain groups of people from discrimination. We know you have a lot of fearful rhetoric from a vocal group of opponents to these updates, most of whom do not live here in Charlotte. What they are saying is simply not true. Despite what opponents say, sexual predators are not waiting for Charlotte City Council to pass a law just so that they can break the law. That is Ludacris. These ordinances will not be able to be used to cover to commit a crime. It is just not true. In reality, these anti-discrimination measures are already emplace in 17 states and over 200 cities around the country. This is not new stuff. The simple truth is these changes will make the City of Charlotte a safer place for gays and lesbians and transgender people to live, work, raise a family, and find opportunity. Tonight, we hope you are listening to the facts and not the fear. The 214 page report you received clearly presents the case to these common sense measures.

Rosalind Gathers, 1739 Misty Vale Road said one of the arguments that I have heard with this whole issue is that passing this ordinance is good for business. Since when has discrimination concerns been a deal breaker for companies to do business in North Carolina? Several companies currently pushing for this inclusion language are already here. The tax breaks and other incentives are more than sufficient to attract and retain companies in our beautiful city. Instead of bullying residents to accept this additional language, redirect your focus to holding law enforcement accountable to protect and serve all citizens. I love God, and I am a Charlotte resident. I do not want to see anyone mistreated for any reason. I do not support this change because it conflicts with my faith, and the protection already exists in the current ordinance. So please, don't do it.

Melissa Morris, 9015 Inverness Bay Road said I am speaking on behalf of the Charlotte LGBT Chambers of Commerce who is asking for this Council to support the updates to Charlotte's non-discrimination ordinance. From our major banks and corporate leaders to our service organizations and energy providers, Charlotte already has major support from corporate entities related to LGBT rights and inclusion, but without city wide protections, these businesses can only protect their employees while at work which is simply not enough. Today's vote is about much more than just non-discrimination in our city as it exists today. As Charlotte continues its tremendous growth and positions itself to become a global leader in business, we must lay the foundation to secure our future development. In a recent article called open for business, the economic and business case for global LGBT inclusion, a coalition of global companies supporting LGBT inclusions stated that open, inclusive, and diverse societies are better for business and better for economic growth. This report demonstrates that businesses thrive in tolerant societies and that the spread of anti-LGBT policies run counter to the interests of business and economic development. All residents should be treated fairly and equally.

Jennifer Kant, 10608 Glenmac Road said I am a teacher for CMS as well as a board member for PFLAG Charlotte. PFLAG is a national organization that has spent over 40 years acting as support, education, advocacy group for those who have loved ones in the LGBT community. At both my PFLAG meetings and my work with high school students, I have met many families, and often their biggest concern, especially with those that have transgender and non-conforming gender children is their safety. The opposition to this ordinance tries to manipulate fear in our community by claiming that some citizens would be made more vulnerable if it is enacted, which evidence has shown that the cities where these protections are already in place have not seen anything of the sort. It is the LGBT members of our community; it is these families that are vulnerable. When they experience acts of discrimination, their hands are tied. There is no law that protects them and their community has left them open for attack. It is the job of our cities leaders to protect those citizens who are most vulnerable. I strongly urge you to do your job well and pass this ordinance.

Scott Saunders, PO Box 79071 said I have been here for 25 years as a business man, very active in the faith in the business community, and earlier today I sent you an email, hopefully you read it among the 29,000. I don't know if you got down to mine, but in it I quoted presidents, and I quoted North Carolina State Constitution as it related to God's Word in public square. The reason why I gave you a red race baton which you saw that I could not bring in here is because I want you to think when you look at that of the hundreds of millions of American's blood that they shed from the very beginning of our country up to now to uphold Biblical values. Even Queen Charlotte said in a letter to her brother that being queen sovereign of England is nothing

compared to that of being a Christian. I am not here to bash anybody. I can consider homosexuality a sin just like lying, stealing, and cheating. That is what the Bible said, but I am asking you two questions. One is who is your highest identity? Is it a Councilman? Is it a Democrat or Republican? Is it a Charlottean, or is it a follower of Jesus Christ? Because at the end of the day, if all of us, and there is two kinds of sinners.

Tom Phillips, 17811 New Mark Ave said I am a father; I am a grandfather, and I am concerned about this ordinance. The question I have is why is it coming back to Charlotte? It was dealt with last year and brought back. The question would be why? Why would we bring back something that could be a Trojan horse? I heard the situation with the pain of our LGBT community. My heart breaks for that; that needs to be dealt with, but we have seen in other states the degradation of small businesses after a situation like this was passed where they were targeted and then destroyed. We need to think about what we are doing here this night in light of the future. Secondly, there are basic human rights, but we are hearing and looking at a population that is very small and dealing with population that is incredibly large. The Bible says that it is the principle of life that if a mother or father does not care for their family they are worse than an unbeliever. You have heard parents tonight say care for my family; don't let this happen to my children.

Pastor Nancy Kraft, 2321 Arnold Drive said like many of those who have spoken tonight, I am a Christian. I am a student of the scriptures. It is my greatest desire to follow Jesus. I am grieved to hear so many who also call themselves Christians, speak and act in a way that to my way of thinking doesn't seem to be all that Christ-like and yet it does not matter if I approve of them or if I agree with them, if they offend me or scare the bejeebers out of me, like all citizens, they are entitled to be protected under the law. In the same way that I want to say to my Christian friends who disagree with me, it doesn't matter if you approve of LGBT folks or if you agree with them, if they offend you or the scare the bejeebers out of you, like all citizens they are entitled to be protected under the law.

Reverend Debra Hopkins, 2611-1 Milton Road said despite the arguments that we have heard tonight, I have got to speak from my heart. I am a transgender pastor, preacher, serving over at Sacred Souls Community Church, and I believe that God calls all of us to come together as one body to be able to live in harmony and humanity with man-kind, one with another. The rights for me to be able to have, to be able to go into a restaurant, to be able to go to the bathroom, to be able to walk down the street without discriminative laws against me but for me and with me as every other Charlottean here. I think that we all need to have those rights that we all need to be able to stand as one.

Steve Triplett, 6939 Kuck Road said I am pastor of Fellowship Baptist Church here in Charlotte; I am also the moderator of the Independent Baptist Fellowship of the Carolinas, representing many churches in North and South Carolina. This is the third time that I have had to come here and address this very issue. First it was the marriage amendment. Last year we were right down here on this very thing, it was defeated, and now here we are back again. I ask you why? Why are we here? I look to the leaders of our community. Mayor Roberts presented a very bias survey that she had undoubtedly done with a lot of the LGBT community and their president who is Chad Turner, one of his aliases. His name is Chad Eugene Sevearance of the LGBT Chambers of Commerce is a convicted sex offender, and for this to continue on and when I hear these things said about we don't have anything or any problems with it; I wonder about it.

Christina Stritzinger, 1708 Dilworth Road West said I moved to Charlotte six years ago to start my career after earning my degree in finance from the University of South Carolina. I am a proud member of the LGBT community here in Charlotte, and I love calling the Queen City home. I would like to quote for you some words from Abraham Lincoln about what I think government means. The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all or cannot do well for themselves and their separate and individual capacity. So, Charlotte City Council, if you cannot protect me as an equal citizen I will leave before I start a family; I will leave before I start my business; I will leave before another LGBT person feels so discriminated against that they take their own life. I will leave before I call Charlotte my permanent home. I will leave. Mayor, City Council members I urge you to vote yes tonight.

Julia Ballou, 4121 Sandcastle Court said I am a resident of Charlotte. My question regarding this ordinance is who is going to distinguish between the men who actually quote on quote feel like a woman and the men who just want to harm women? Are we going to have someone waiting at the entrance at every single women's restroom to judge every man who wants to enter to make sure they actually qualify to go in, or are we just going to let every and all man in and hope for the best? If this bill is passed, we will be throwing the door wide open, basically saying we do not care, go right ahead, to those who commit horrendous crimes such as rape, voyeurism, and other sexual assaults. Furthermore, statistics say that only 0.03 percent of the population feels discriminated against by not being allowed in the opposite gender's restrooms. Is it worth compromising the safety of the rest of the population, the other 99.97 percent to make those few people feel better? According to the United States Constitution, the rule of the government is not to guarantee people feeling accepted; the role is to protect the people. This ordinance will do anything but protect the people. It compromises the safety of women to accommodate the feelings of a minuscule portion of the population, and it must be turned down.

Geoffrey McIntvre, 6300 Holly Knoll Drive said maybe you all have been drinking too much Kool-Aid. This ordinance is a non-starter. You all are thinking about passing an ordinance that might benefit what a handful of people or two and alienating 700,000 people. If you write an ordinance that allows men to enter women's restroom, facilities, and locker rooms then guess what is going to happen. Men are going to enter women's locker rooms, restrooms, and facilities. I do not think that anyone wants that really. It doesn't have to be a rapist or a mass murderer; it could be a voyeur or someone who gets a kick out of exposing themselves. This ordinance is a non-starter. I urge you to reconsider and what exactly is your agenda otherwise? It can't be that or reason or logic.

Brandy Haynes, 1210-1 Green Oaks Lane said I serve on a board of the ACLU of North Carolina, a non-partisan, non-profit organization dedicated to protecting civil liberties for all North Carolinians. On behalf of our nearly 10,000 supporters across the state, including many in Charlotte, I am here to strongly urge the Council to expand Charlotte's public accommodations ordinance in order to protect our city's residents from discrimination based on familial status, marital status, sexual orientation, gender identity and expression. One of Charlottes greatest strengths are diversity, passing this ordinance would send the message that we believe in protecting all members of our community, especially some of the most vulnerable. All people including out gay, lesbian, bisexual, and transgender friends, family, and neighbors have a right to be themselves, to be protected by the law, and to live without fear of harassment, discrimination, or violence. Among other things, this ordinance will simply allow people to use the appropriate restroom. It does not change the rules that govern behavior in the restroom; it offers basic protections for all of those using the restroom including transgender people. The ugly rhetoric from those who oppose these protections is simply not based on evidence; instead, it relies on fear to divide our city.

Charles Walkup, Jr., 1926Edgewater Drive said this ordinance is based on a false and dangerous assumption, that it is more important to protect individual discrimination, than it is to protect individual liberty. Liberty is the right to make our own decision whether anybody agrees with us or not. Our founders declared it a God given right, yet the human rights campaign specifically asked this council to deny this right when they stated that the goal is to protect people from arbitrary discrimination. Until individual discrimination becomes so wide spread that it denies liberty to others, government has no authority has no authority to address it. Council has no such evidence. The real evidence from cities that have this ordinance is that government is being used to punish, intimidate, and science opposition. Council your primary responsibility is to protect liberty for all of us.

Councilmember Eiselt arrived at 8:31 p.m.

Roger Reeder, 10660 South Tryon Street said I would like to simply stand before you. I have heard the word fear a lot tonight, but I would simply like to stand before you as a God fearing grandfather that has been around a long time that still believes that if you raise a child up the way that it should go, they will not depart from it. That is simply being that being a boy is a boy and a girl is a girl, which I cannot believe in my wildest dreams that I would have to stand before I group of elected officials and ask them to vote no in a restroom situation that allows boys to go in girls restrooms and vice versa, but there you are, and here I am. I am asking you to vote no to this ridiculous ordinance.

Dr. Marsha Ford, 6836 Alexander Road said I am speaking in support of the non-discrimination ordinance changes. Voting yes for these changes is the right thing to do because being accepting is part of who we are in Charlotte. I have lived here nearly 34 years and during that time when Charlotteans have confronted intolerance and discrimination whether it be to African Americans to members of the Jewish community to others, we have opened our community to be more inclusive. Members of the LGBT community deserve also to be included and be protected from discrimination, and consider this, a transgender man in the women's bathroom or a transgender women in a men's bathroom, which would occur if bathrooms were assigned based on gender at birth, would be far more disruptive than what this amended ordinance will allow. I urge and hope you will vote yes.

Reverend Philip Benham, 761 Harris Street, Concord said I am from Concord, North Carolina, and I want you to know that truly this isn't really about a bathroom thing. It is a battle between whose law is reign and who is Lord? That is what we are fighting here. Is God right or is God wrong, and your city council, the one that is stacked right now to pass this ordinance has raised its tiny little fist in the face of God saying we are God and we know that is best. We know that is a man and we know what is a woman, and we know what is trans, and I want to encourage you in Jesus name that God tells us that if we act this way and disobedience to him, he will turn us over to statutes that are not good and laws that we cannot live by and he will fill us with horror so that we will know he is God. We are going to be filled with horror at what you do and you are going to open the gates of hell for an enemy to come in to rob, to kill, and to destroy. I am asking you in Jesus name to repent of your hell bend way to just bring havoc to our children, in Jesus name.

Mark Metzger, 300 E. John Street, Matthews said I am a business owner and an employer here in Mecklenburg County, and I have watched and been involved over the last two years as you have brought up this issue. You have invited the human rights campaign to speak openly to you about this, to help you to craft this ordinance. You have given no such opportunity to the faith based community to do the same. We as a faith community know and understand well our duty to love our LGBT, and we will continue to do that, do our best, flawed as it may be, to show kindness to them; however, it will always be with tough love that speaks the truth that the Bible clearly condemns LGBT life styles. Tough love means they should not get any special treatment allowing them to live outside of societal norms at the expense of other's freedoms. Tough love means speaking the inconvenient truth that we do not get to be who we want to be; we must be who God made us to be. It is God's word that warns us that our hearts are deceitful and desperately wicked and that following our hearts is dangerous and destructive.

Tami Fitzgerald, 9650 Strickland Road, Raleigh said I represent the North Carolina Values Coalition, a statewide organization. I hope you realize this morning that Governor McCrory said if this Council approves the transgender bathroom ordinance that they can expect an immediate response from the state. I applaud Governor McCrory for having the sense to throw out this unreasonable and unnecessary ordinance. It is unconstitutional, and you know it. You have gotten bad legal counsel from your lawyer, Mr. Hagemann has told you that this ordinance would be upheld, and he is wrong, and so you are going to force yourselves to be subjected to other means, and if this passes tonight you can guarantee yourselves at least a lawsuit or the State General Assembly coming against what you have done.

Daniel Parks, 8410 Pit Stop Court, Concord said I work in Charlotte six days a week and as a concerned father, husband, and pastor, I along with the majority of the speakers last year have already voiced my concerned about this so called non-discrimination ordinance. It seems that this City Council under the leadership of Mayor Roberts has not only ignored and marginalized our concerned but altogether regarded them as extreme and bigoted. Of the concerned individuals you have heard and will hear from tonight who are opposed to this ordinance, not a single one is bigoted. We are genuinely concerned for the safety of the most defenseless in our community and the freedom to disagree with what the Bible calls sinful behavior. Under this ordinance, both will be in jeopardy, safety and freedom in your desperate pursuit to make Charlotte a progressive city through the lack of your reasonable consideration of the majority of responsibly minded people, if you pass this ordinance instead of a world class city, Charlotte will become a world class cesspool. I encourage you to vote no to this ordinance. It is not good for our city.

Paige Dula, 332 Havenbrook Way, Concord said I am from Concord, North Carolina and I would like to thank Don't Do It Charlotte, the Benham Brothers, and the North Carolina Values

Coalition for providing me with the words for my speech on how important these protections are. Here are some excerpts from their social media pages: if I caught someone with male parts in the restroom with my wife, there would be a butt stomping no matter what clothing they had on. I find a transgender male or anything resembling a man going into the ladies room where my daughter might be, and I will rip whatever genitalia that thing has off. I find a male going into the female room where my daughter is I will kill him; Taser, firearm, or a little pepper spray ought to clear out the offending party. If some dude went into the women's restroom when my wife or daughters were there I would go to jail for beating the heck out of him. So, tell me again, who are the dangerous people here tonight? I think you see them here.

Randall Down, 1005 Apogee Drive, Indian Trail said years ago in upstate New York, on the New York State Thruway there was a bridge that collapsed. Many plummeted to their death because they did not know of the dangers up ahead. Some stopped in time and the lives were spared, but those spared were the ones waving and pleading with others to stop. Sadly, some refused to listen; they kept on driving thinking that everything was okay. They drove a little further and they come faced with the grim reality that their choice of disobedience came with a consequence. As a car plummeted down hundreds of feet down towards death, and many of you on this council are traveling down a road much like the New York State Thruway, but the road you are going down you call anti-discrimination, equality, gender neutral. The road you are on with this ordinance may seem right to you, but according to God's Word, there is a bridge out ahead. The bridge out is represented from what the Bible says there is a way that seems right to us but the end leads to death. Spiritual death usually comes before physical death. God created all of us male or female; our gender is not self-prescribed but God prescribed, vote no.

Marty DiGiacomo, 1017 Patricia Avenue, Harrisburg said I work with anti-human trafficking organizations, local law enforcement, Homeland Security in preventing and fighting human trafficking and rescuing and restoring victims, sexual abuse victims. One thing that I really do not respect is anybody who brings lies and misinformation to a thing like this. One of the lies is that it does not allow for any kind of abuse, and that is wrong. If you look at all of the cities that have already passed this, one of the problems is District Attorneys are very reluctant to prosecute idiot, thugs, pedophiles, sexual abusers who go into these women's restrooms, locker rooms, swimming pools and expose themselves, and I have some pictures of these guys. They are very hard to undercover these stories because they are very well hidden, and they are very well documented, vote no.

David Jordan, 3990 Shiloh Church Road, Davidson said everyone keeps talking about fear, fear of this; this is not a bathroom bill. This is a bill that is going to promote perversion in our land. See there was a requirement for people in the leaders of the land back in the day that they had to have before they could take a position of leadership. It would behoove of all of you to know what that is. They had to fear God to accept a leadership responsibility role because that fear of God would keep them from perverting judgment. In the [inaudible] of compromise for other people's feelings you are going to pervert judgment today in the name of someone's feelings instead of standing on what the word of God, which does not change, says it right. We are here to stand on God's Word, and you need to do the same because every knee will bow and every tongue will confess Jesus is lord, and it would behooves you people to do it this day instead of when you stand before him and give an account for your life in rebellion. You have no righteousness apart from Christ. You need to repent of your falling. This is madness.

Ante Pavkovic, P.O. Box 2335, Davidson said the HRC was founded by Terry Bean who molested and raped a 15 year old boy and that is who our City Attorney here has been working here with that wicked organization run by a pedophile. Your local guy, Chad Severance is also a convicted sex offender; you are working with two groups that are led by people that have committed crimes against people sexually. This is wrong. Are you getting paid Bob? Is that what this is? You got a secret account in the Cayman Islands? It makes me wonder, why are you working with organizations that are run by sexual predators? Are you all part of this? What is going on here? You have not consulted the people; we do not want this. Homosexuality is a sin. There is no such thing as transgender; these people are confused, and they need the help that only Jesus Christ can give them to set them free from their perversion and their lust. Vote no, you have aligned yourself with wickedness and something funny is going on here, Bob.

Katherine Pavkovic, P.O. Box 2335, Davidson said there are so many things that I could say, most of them have already been said. I have been thinking about things while I have been

listening. I thought of so many times when I was a mom of five small children, how I would go into a place and people would act like they didn't want me there. You know what I did? I just didn't go back. When I was almost 300 pounds, if I went to a bathroom that was too small for me, I just did not go back. I would find a place that had booths that were big enough to fit me. If there is a situation or a circumstance where you do not feel comfortable, just do not go back. Jesus said, I am the way, the truth, and the life. No man can come to the Father except through me, and I urge each and every one of you, please look to Jesus. Repent of your sins and make him the Lord of your life.

John Kirwin, 9339 Cub Run Drive, Concord said members of the high Council, my loyal subjects, I am King John the Merciful. I have heard the arguments of the LGBT community, how they have been oppressed and discriminated against because of their orientation... because all of my childhood I have felt the urge to boss people around. I have always known that I was born to be a king, over the hold world, but I have kept it a secret until today. Today, thanks to this movement I am coming out of my kingly closet, and I am taking my rightful place as your sovereign ruler. Today, I identify as gender royal. All of my life I have been offended because people do not bow to me and call me your highness. Everyone is king phobic, and since my sovereign word is law, I decree that anyone who does not bow and call me your highness shall be fined under hate speech laws. I hope my satire illustrates how breathtakingly ridiculous these LGBT arguments are and what a slippery slope they are, and how corrupt and illegitimate this Council has become for even considering this bathroom bill. You talk about decorum but you have made a mockery of your office Mayor.

Heather Garofolo, 1052 Antioch Woods Lane, Weddington said I am a small business owner servicing Charlotte. I have friends and family in the LGBT, and I love them. Every American, private business owner should be free to live and work according to their beliefs without fear of unjust punishment by the government. In 2015, The Pew Charitable Trust Organization identified the top ten states for job growth. Eight out of ten of these states do not have non-discrimination ordinances with sexual orientation and gender identity language. Charlotte is a diverse city. There is strength in diversity. There are many world views and work religions that are represented here. Equality means that everyone can speak their beliefs without being silenced. As a business owner, I am concerned about the adverse impact on labor, trade, and commerce that his will have. As a business owner, if I do not check my beliefs at the door then we will have to be forced to have contracts potentially canceled with the city. In that case, that is lost revenue; lost revenue could equal tens of thousands of lost jobs. Lost jobs equal hardships for families.

Terry Oldham, 102 Castles Gate Drive, Mooresville said I would like to make five quick points. One, there has never been an actual case of sexual discrimination in Charlotte, ever. So think about that, never. Two, to push forth an agenda in such a deeply religious area as Charlotte, where not a single main stream religion, be it Buddhist, Christian, Hindu, Islam, or Judaism supports homosexuality will only lead to discrimination in divisiveness, which will not promote a unified city. Three, forcing people to course to a standard they morally object to is destructive to one's conscious and to our community. This ordinance will only breed resistance and hatred. I am asking you to vote for what will best unify our city at large. Fourth, the HRC does not represent everyone in the homosexual community. I have homosexual friends who have told me they do not like what these activist groups are doing because they feel that they are creating an issue and making matters worse for them, not better. Finally five, I feel we are making a decision that will enrage many and compromise the safety of some, all for the sake of ...the angst of a few.

David Benham, 1032 Riding Trail Lane, Concord said I live in Concord, but I create jobs in Charlotte. I own substantial real-estate in Charlotte. So, this is very important to me. I just believe that we should not be forced to indorse or participate in expressive events or messages that are against our deeply held beliefs. It is not about discriminating against individuals. It is about ideas and events or messages. I would support a Muslim baker that refuses to bake a cake for a gay wedding. I support that. So, we should not be forced, as business owners, to be involved with expressive events or messages that are against our beliefs. It is not against individuals because we love all individuals as Christians.

Adam Tennant, 520 Cherish Lane, China Grove said Proverbs 29:2 says when the righteous thrive, people rejoice, but when the wicked rule, the people groan. All across America, people

like LaWana Mayfield and Jennifer Roberts have been placed in City Councils due to the efforts of the HRC. As a result, these wicked ordinances are getting passed, but this is not the will of the people. Women are being violated and the people are groaning. When the wicked rule, people groan. For the few Councilmembers who will stand in opposition to this ordinance, I want you to know that you are not alone. We have got your back; Raleigh has got your back. The HRC is going to try to bully you into submission, but I ask you to stand strong. You are doing the right thing, and you who will pass it, your seat is going to be taken. Once again, the righteous will thrive in this nation and the people will rejoice, and you will be laid low. I pray that on that day, you will turn to Jesus Christ, the only one that can save you from the wickedness that has invaded your wicked souls.

Jason Benham, 11522 Riding Trail Lane, Concord said I apologize, I misplaced my king outfit, but I can tell you, my sister David just went, my mother Flip just spoke a little earlier, and I have always wanted to play in the NBA; however, I wasn't good enough to play in the NBA, but then the WNBA was created, and my dream arose again. Then I realized, wait a second, I am not a woman. I can't do that, but then I thought, well if the laws could change and I could just declare myself a woman. I could guarantee you at 40 years old; I could go out there and create an amazing basketball team because my three-point shot is amazing. Now how ridiculous is that? It is the same type of thing we are talking about here today. It is absolutely ridiculous, but you know what ridiculousness is preceded first by denying God. So, I would tell you today to open your hearts to him. You have already made your decisions, but God can direct the human heart. Please give him an opportunity to do that.

Thomas Dellinger, 1388 Wynnbrook Way, Concord said I come to you once again as a frustrated business owner and a concerned, upset father. As a business owner who is in the process of opening a gym here in Charlotte, it is laws like these that hurt my business. Fortunately, the corporate offices of the franchise I have purchased have already seen this happen in their other franchises in other cities, and we are in the process of putting individual bathrooms in because our members, which are actually about 63% made up of women, do not feel safe using a locker room with a man. Ordinances like these damage my business, they threaten my income, and the ultimately put my members safety at risk. We love Charlotte, we love the parks, and we love the stadiums. I want to enjoy these things with my children, please do not take them away from me. Romans 13:4 says this, for the one in authority, which is you Council, is God's servants for your good, but if you do wrong, be afraid for the rulers do not bare the sword for no reason. They are God's servants, agents of wrath to bring punishment on the wrong doer. Your God given civil responsibility is to protect us so please do not pass this ordinance.

Jason Dellinger, 1064 Riding Trail Lane, Concord said this morning I asked my four year old about what we are here tonight for. I said, is it okay for a man to walk into a woman's bathroom? My four year old answered shockingly, no. Why did my four year old say that? Because the law of God is written on his heart, and that same law of God is written on my heart and is written on you your heart. That does not mean you love Jesus, but it does one thing, it forces you to make a choice between what is good and what is evil, because the law of God is written on your heart. You have heard the law of God tonight. It says in Proverbs 23:9 do not speak in the hearing of a fool for he will despise the wisdom of your words. I would plead with you not to hate the words that you have heard tonight. Listen, if you have haven't noticed, the church of Jesus Christ has come out because there will be another ordinance just like this. Death and hell are never full; the eyes of man are never satisfied. It will happen again, but the true church, I am not talking about the false profits, the wolves in sheep's clothing that name the name of Christ and do not part from iniquity, but I am talking about those that are standing for truth, truly distinguishing between what is good and what is evil. Please do not do it Charlotte.

Thomas Barry, 2686 Saddlewood Circle, Concord said God tells us in Proverbs 29:2, when the righteous are in authority, the people rejoice but when the wicked rule, they groan. I am not sure of how you can define wickedness any more clearly than taking your cues from perverted sex offenders who have been convicted, and we know homosexuality defiantly lands in the direction of pedophilia, it is a perversion, it is a departure from what is known to be right. There is something wrong with it. It was categorized as a mental illness one generation ago. Someone asked what Obama's opinion of marriage was in 2008 was one man, one woman, for life. What scientific discovery made him change that? This is a trend; this is a fad; this is wickedness, and I ask you all just to consider the fact that all mighty God is watching. He is looking on; he is

paying attention, and if you are being bought or you are giving into things or someone is blackmailing you, I ask you to repent and do the right thing.

Jason Oesterreich, P.O. Box 2067, Concord said Mayor Roberts, when we started this meeting it struck me that you instructed people to be conscientious of what you said because there are children in the room, and it struck me that here tonight you are conscientious of what children hear, but you are not conscientious of what the statute is going to do to them. You do not care about that, and it is very likely that we are going to have women standing in the locker room, young girls, naked and a man can walk in, and it is no problem, or we will have a man standing in the women's locker room naked and a 12 year old girl will walk in. Now, Mr. Hagemann said this would be indecent exposure and the law would protect against that. The law doesn't protect against somebody changing in the locker room and standing there naked, of course it doesn't. You would have to arrest every single person that went to the gym, of course that isn't going to protect our young children. Now, you have misquoted the Bible, you said the fore most commandments was love your neighbor and it is not. In Mathew 22:36 they ask him, teacher what is the foremost commandment and the foremost commandment is love the Lord, your God with all of your heart and all of your soul and all of your mind, and if I love Jesus, I love his will, and I love his Word, and if I love my neighbor as you had mentioned, I would not sacrifice them or their children to this agenda.

Roberta Dunn, 153 Kenway Loop, Mooresville said I am the Chair of the Carolina Transgender Society. Seven years ago I started meeting with the City Council, the Mayor, and County Commissioners about LGBT rights. Since we have made a lot of progress in equality, tonight we are at the crossroads of providing LGBTQ people the human rights that all citizens of Charlotte and the visitors to this great city should have. These rights are required for everyone to have and not to be denied. That is insuring all LGBTQ people will not be discriminated against here. February 1st, CBI held a forum providing an opportunity for people to hear and understand both sides of this issue. I am willing to continue these dialogs with reasonable people, but this is no reason to deny equality for everyone tonight. So, I am asking the City Councilmembers to be on the right side of equality and vote yes on this non-discrimination ordinance.

Julianna Burgess, Boone said this ordinance will negatively affect the owners of small businesses in our area. In Washington State, Baronelle Stutzman was approached by longtime customer Rob Ingersoll to do the flowers for his same-sex ceremony. In deposition testimony, when Ingersoll was asked what he wanted, he replied just some sticks or twigs in a vase. Although Ms. Stutzman agreed to provide any materials he requested, she refused to arrange the flowers for the ceremony saying that that practice would go against her Christian beliefs. For that, Ms. Stutzman was dragged into court and may lose the source of her livelihood. Legally, this is unjust. Socially, it is simply rude. The behavior that Ms. Stutzman has been victimized by is not correct, and there is no way that it can be rationally defended.

Boo Fields, 8055 Bryson Road, Indian Land, SC said Mayor Roberts you had said that we had heard from many people in the private sector, folks that are LGBT and non-discrimination is very important. We want to do what helps make people feel safe and included and accepted. In 2004, the Charlotte metro area ranked as the 22nd largest city in the United States with almost 2.4 million people. In March of 2015, the Gallup poll surveyed this area and found almost 3.8 percent or almost 90 thousand people identified themselves as LGBT. If this ordinance is passed, I will not feel safe. I will not feel included, and I will not feel accepted. Is non-discrimination really important to this City Council? If so, represent the other 2,289,560 people or 96.2 percent of the population in this metro area that are not LGBT, vote no.

Laura Levin, 14207 Delaney Drive, Concord said I am a transgender pediatrician who cares for all kids, including those in the LGBT community, and I have heard the stories from my transgender kids and their families about being bullied in school, about parents being told by their pastors to beat it out of their children, and about physicals who handed them a Bible tract instead of medically relevant information. The victory all spewed by the opponents of the NDO today creates anxiety and depression in my kids and is responsible for a lot of the pathology we see in our kids. It gives children, who may not understand, the right to bully instead of the right to try to understand. Now this is Michael Hues. Michael Hues is a transman and he looks really out of place in a woman's bathroom, and quite frankly I get you may say that it is not discrimination to tell trans people to go to the bathroom in the gender in which they were assigned, but it is discrimination to tell him to use the men's room and me to use the women's

room. When you tell him to use the women's room you create the problem you are trying to avoid. Please vote for this non-discrimination ordinance.

Noel Woolf, 6101 Bickett Ridge Drive, Monroe said I am the proud mother of two young boys, the oldest of which is in kindergarten five days a week in the city of Charlotte. I came here tonight knowing that you were convinced that voting yes tonight would be a very smart political decision for yourself, but I ask you to consider do you want to take the career risk that only 10 percent of the mothers in this city will only turn out the next election. Do you want to take the career risk that it is going on record that you are using the survey prepared for your by a convicted pedophile who has served time in prison for molesting a young boy like my son. I urge you to vote no. Protect myself; protect my sons. Do not insult my intelligence. I am 40 years old, and I know what will happen in a bathroom if a grown man comes in.

Brian Madeira, 6130 Ferncliff Drive NW, Concord said you know I speak the truth when I say that any commissioner who votes yes is ignoring reason and common sense and your own inner sense of right and wrong. You know this is true, and God will hold you accountable. Jesus said, whoever causes one of these little ones to sin, it would be better for him to be downed in the sea. To anyone here who considers themselves transgender or homosexual or anyone trying to figure it out, God is calling you to come to him. He has made a great sacrifice so that you can know him and be accepted by him, but you must turn to him. Turn away from everything and seek him in his word. Read the New Testament; it is only about one-fifth of the Bible. You can get through it, and Jesus said, if you truly seek him, you will find him, but you have to block out all of the noise and seek him for yourself.

Kevin Griffin, 5107 Southpark Drive, Durham said it is disgusting. It should only be done in private. It will lead to sexual assault and deviance. Those are all things that have been said about a woman breastfeeding in public. The woman who was breastfeeding in the room I was waiting in felt none of that. She was comfortable; she was accepted as an individual, and we honored her right to care for her child. We have to honor every individual, regardless of their orientation, regardless of their presentation, regardless of their origination. Every person is worthwhile; we have to honor them for that. I encourage and urge you to vote yes.

Jacquelyn Keenan, P.O. Box 37331, Rock Hill, SC said assuming the population of transgenders is between a half of a percent and one percent, this translates into one person in one hundred for one percent, or one person in two hundred for one-half of a percent. We are talking about a very small segment of the population. There is an orderly and established way of doing things that works to the benefit of all people. For example, all people in the south-bound lane of I-77 travel in the same direction; one person cannot simply turn around and begin traveling north. This would cause confusion for everyone, not to mention the danger. Highway Patrol would never allow it. There exists no inherent right of one person to cause chaos in the lives of so man. Wisdom, common sense, and courage dictate a vote against this ordinance.

Will Bridenstine, 999 La Forest Lane, Concord said councilmembers; I am opposed to this ordinance and urge you to vote against it as it affords no protection of religious freedom. The City Attorney stated on page five of their February 5th memo that protections and exceptions to laws due to religious beliefs can and have been afforded. They cite the Supreme Court case of Burwell vs Hobby Lobby which ruled that Hobby Lobby was not required to provide contraceptives as this conflicted with the owner's religious beliefs. No such protections are included in this proposal. It is well known that these types of ordinances have been used to force business owners to promote events and endorse messages that are contrary to their religious beliefs. By failing to include any protections for these situations, the Council is declaring that sexual expression and orientation is not equal to religious freedom, it is instead superior. Ironically, the current ordinance lists religion as a type of discrimination which is to prohibit, but by enacting the ordinance as written it will serve as a very mechanism for this very thing .I urge you to vote against this ordinance, thank you.

Christine Evans, 590 Axton Street, Concord said I just want you to not vote for this ordinance. I am just a simple grandmother out here and I want to be able to take my grandchildren out to dinner, out to lunch, to the gymnasium. I want them to be able to take swimming classes, be able to feel free to change in the gym. Don't open up this Pandora's box. You do not realize the evil that is going to come out of this if you allow this ordinance to go through. Please use common sense. Don't vote for this ordinance, thank you.

McLean Faw, 225 Fremont Street, Matthews said I would urge you to vote no against this ordinance; it is bad public policy. It is unfair and it is unreasonable. This ordinance is unfair to women and children, putting them at risk through sexual predators disguised as transgender persons coming into the bathrooms of which there are documented instances. This ordinance is unreasonable. Gender expression and gender identity are changeable and subjective. The color of one's skin is unchangeable. Public policy cannot be changed on subjective feelings. This ordinance discriminates against business owners who have faithfully served the LGBT community but have a moral objection to participating in same sex wedding events. I urge you, vote no.

Sam Miorelli, 4400 Alafaya Trail, Orlando, FL said I am the co-chair of Siemens Energy Pride and Play Resource Group based at our headquarters in Orlando, Florida. Siemens employees 1,700 people here in Charlotte, and we are proud of our many LGBT employees in Charlotte and the LGBT employees amongst our 348,000 employees worldwide. At Siemens we believe that a diverse work force helps us bring ingenuity for life to the highest quality products and services. Unlike many other types of diversity in the workplace, you cannot readily see LGBT coworkers. We tried to change that in my group and remind everyone that they can bring their whole self to work, no matter their sexual orientation or gender identity. In collaboration with some of our major customers, Siemens is proud of the role it plays in promoting diversity and including, including for LGBT people throughout the energy industry. Orlando, where I am from, passed an ordinance very similar to this one in 2014. It makes Orlando a great place to live and work for everyone, including LGBT people. That makes Orlando a great place for Siemens to recruit the best employees from around the world. I hope you support this, thank you.

Jesse Ryan, 522 Laurel Fork Drive, Matthews said I am a mother of three elementary school age boys in CMS. Our youngest six year old is gender non-conforming, which means he does not conform to what society says you should wear, the toys you should play with, etcetera. While he loves his brothers and supports all that they do, he likes very different things, Barbie, dresses, anything pink. Initially, this confused us because it was different than what we expected after his two older brothers. What we realized very quickly is that these things are not defined by gender. We are all human beings that deserve to be respected, loved, and cared for while being out authentic selves. I love my boys. Each day we talk about using your manners, being kind, trying your hardest, and also every day when I am getting my six year old ready for school and I am pulling his hair back in pig tails and smoothing out his skirt I am role playing with him on how to handle mean, rude, or disrespectful comments about his attire, or the toys he likes to play with, or where he is going to the bathroom that day. My family is not alone. There are so many gender non-conforming children/youth in Charlotte and they need your support. I urge you to pass this ordinance.

Rick Scot, 14001 Old Vermillion Drive, Huntersville said I moved to Charlotte seven months ago from Los Angeles, California, probably one of the safest cities to live, one of the safest states. I have heard a lot of anger; a lot of vitriol, a lot of fear comes out of people's mouths tonight. It really disheartens me. As my friends post on Facebook, move back to California, why are you there? Well, I will tell you in the seven months that I have been here; I have learned to love this city. Despite what I have heard tonight, I continue to love this city and hope for change. I work for a very large company that protects me. If my husband goes out to apply for a job, he can be turned down because of who he is, because of who he loves, and I hope that tonight, you will vote in favor of this ordinance, that you will support non-discrimination for everyone, including the LGBT community.

Levi Gray, 736 Washington Lane, Kannapolis said I am going to put this succinctly. I am opposed to this ordinance, and I am concerned about many of the dangers that it presents. As others have said, there is a discrimination that comes from the government as a result of this regulation, based on the religious beliefs of businesses. There is the regulation of labor and trade, which violates Article 2 section 24 of the North Carolina State Constitution, and most importantly is the loss of privacy and security of women and children and the increased danger of their harassment. This ordinance appears to be another attempt to run the tolerance buzz saw through our culture, and I call it a buzz saw because it will try to achieve its goal of tolerance no matter what liberties, religious beliefs, or laws it has to cut down along the way. Don't fall victim from this buzz saw. We put our trust in you to uphold our liberty and our safety. We ask that you would not let this law destroy that and to fear God rather than to fear men.

Ethan Metzger, 20392 Old Sandbar Road, Oakboro said I am 15 years old. As a young person I am really concerned about this ordinance passing. I was raised to be empathetic, and I have seen first-hand how destructive sin can be. Bad choices bring difficult consequences. It is not that I do not feel bad about people who are confused about their identities; I do, and I feel ashamed to think that anyone would beat someone up as a way of disagreeing with them. That is called assault and it already breaks the law. I am definitely more concerned about my little brothers and sisters being at risk. I come from a big family and we do lots of fun things in Charlotte. My little sister Emily can tell the difference between the ladies room sign and the men's room sign; she is only three. Her sharing the same bathroom with a man is not okay. I am not sure you guys are thinking about the right group of people here. My dad taught me that women and children deserve our protection. This new law certainly won't do that. Please vote no.

Jordan Roose, 3216 Lancaster Highway, Monroe said I live in Monroe, North Carolina, and I run a business in the Charlotte area. I have a beautiful wife and four beautiful sons, and there has been a lot said here tonight and a lot of confusion. The sweet Psalmist of Israel said that thy word is a lamp unto my feet and a light unto my path. So, has been said in the Constitution in reference here tonight that all men are created equal, right? All men are created equal. It has also been referenced by both sides, what Jesus has said; even the Mayor herself referenced Jesus commanding us to love our enemies. I want to clear up the confusion by reading from the lamp, the light turns it on, helps us to see clearly. Here is what Jesus said, regardless of what side you are on. Here is what he said: have ye not read, that he which made them at the beginning, God made them male and female. He said for this cause shall a man leave his father and mother and shall cleave to his wife, and they twain shall become one flesh. God made a man and women, be on God's side.

M. Karpov, Monroe said thank you for allowing me to exercise my democratic right of free speech. I was born in Soviet Union, and I know first-hand the tyrant of socialism. I now, a US citizen, and I wish that every native born person would take its history to test to learn the reason for the greatness of this nation, one nation under God, not goddesses like earlier it was said here. The founding fathers of this nation understood un-alienated rights and... rights given to us by our Creator rather than by the government. This emphasis on our Creator is because it shows that the rights are permanent, just as Creator is permanent, doesn't change. The vote tonight will be either for the unchanging, mortal values of Biblical heritage of this nation, or fabricated facts of worship and make men gods of LGBT agenda. Don't allow the sacrifice of our children on the LGBT alters. I ask you to choose wisely, and remember that one day we will all give account to that creator.

Ruth Motley, 4590 Cochran Farm Road, Concord said I reside in Concord; however, I frequently travel to the Charlotte area for medical purposes. I have a three year old daughter who has Down syndrome. There is no greater give that I have been given than the opportunity to be a mother of a special needs child, but this gift comes with a great responsibility. I share a dream with all parents who have a child with special needs and that dream is for our child to grow up and live an independent life, integrated as much as possible in society. We are starting to see this happen. Today, people with special needs, like my daughter attend typical schools; they attend college; they are active in sports; they participate in arts. They go on to be employees and some even own their own businesses and get married. With this progress vulnerability has emerged. Just a quick Google search can bring up multiple instances that people with special needs have been physically and sexually attacked in public restrooms and school gym locker rooms, and if these attacks are happening to the most vulnerable among us with the current laws of protection, we imagine what will happen if this protection is removed.

William Wools, 6101 Bickett Ridge Road, Monroe said I live in Monroe, but my kids go to a private school here in Charlotte. I love this city. We have lived in the Pittsburg Area, and we moved back, and we just love the city of Charlotte. I am a Christian and I believe that every transgender person should be treated with respect, and I understand that there should be laws already in place. Why don't we just follow those laws? If you make this law then you are going to have to make a law for every group of people. At the next City Council meeting are you going to make a law for Christians to protect us because we get assaulted, and we get discriminate? Are you going to make a different law for another group? I mean, where is it going to stop? We already have laws; let's just enforce the laws that we currently have.

Virginia Feimster, 316 Greenwood Avenue, Belmont said I am the state coordinator for PFlagg North Carolina, and I am a retired exceptional children, special needs teacher from Charlotte-Mecklenburg Schools. I am a mother and a grandmother and a Christian, and I have not seen much Christianity today. I have seen a lot of signs, but I have been in the overflow room, and anything else I had to say has gone out the window because of the way the people in the overflow room who are not in favor of this have acted. I am for it. I was just making notes the whole time. People making fun, people laugh when other people would speak, when a lady minister spoke, she said she is a Christian and then when she said she wanted you to vote for it somebody said oh boy. Everything was like that. These people who profess to be Christians do not have my brand of Christianity, and the brand of Christianity that I am for.

Annalise Metzger, Oakboro this is not about discrimination. This is a gateway ordinance. It is pushing its way into schools, businesses, and the private lives of everyone. It will lead to the persecution of those in Charlotte that disagree with the homosexual agenda. That is not fear mongering; it is happening in every city that passes craziness like this. This is not about protection, if it were you would be trying to protect the ones most at right. You need to be protecting children. Keep the bathrooms biologically correct; honor their privacy. This is not about hatred this is about telling the truth. God created them male and female. Sexual immorality of any kind is wrong. Homosexuality is wrong. I didn't say it, God did, and each of you will be accountable to him for your decisions this evening. I don't believe you have any intention to really listening to the people that live and work and visit here. Most of you have already made up your minds, shame on you. Vote no on this ordinance, repent from your sins and turn to Jesus.

Kyle Aichele, 2069 Burand Road, Fort Mill, SC said my wife and I and four boys just recently moved here in this area. We were in Fort Mill. You guys probably heard this. In Seattle at Evan's Pool, a man in board shorts entered a woman's locker room and he undressed himself. He said the laws changed and he had the right to be there. Right now there is no specific protocol for how someone should demonstrate their gender in order to access a bathroom. Employees just rely on verbal identification or physical appearance, and this man offered neither. The police who were notified offered no help. This is not what we want in North Carolina. This law gives way to a loop hole that sexual predators can use to their advantage. This is also a contradiction to the indecent exposure laws of North Carolina which is currently in place for the protection of the general public. Are we going to start to change all of those laws after this? We cannot afford to erase laws that protect and create chaos in the name of inclusion.

Brent Childers, P.O. Box 1176, Hudson said I serve with Equality North Carolina, work here in Charlotte, and have many family and friends here. Last Thursday I met a young man transitioning, and he was in his third month of his transition. I met this young man at a church, a church like many others, who recognized the need to create affirming and safe spaces for lesbian, gay, bisexual, transgender individuals. This person is somewhat vulnerable right now because of the transitioning process but because of the stigma and hostility that is a part of his social environment. That is why I could not ask him here to join me tonight. I knew it would not be a safe place. I believe you recognize the need to create safe places for gay, lesbian, bisexual, and transgender individuals, and I thank you for recognizing that need.

Diane McMahon, 1411 Sarah Ann Stephens Drive, Huntersville said I am here to encourage you to vote no on all parts of the non-discrimination ordinance. My family works, shops, and spends money in Charlotte, and I believe this piece of legislation harms our community and the people and the businesses in it. I find it unfair that the council would force private companies that want to contract with the city, to enact this same policy. This ordinance will also hinder economic growth in the greater Charlotte area, as it discourages people from getting out in businesses where they need to use public restrooms, locker rooms, and showers. I appreciate the city's desire to accommodate a minority portion of the community, but do not sacrifice the rights of the people of our city to believe and do business in liberty, to protect the preferences of a few.

Steve Widdows, 1415 Depot Street, Iron Station said Father I pray that every person in this room get the fear of the Lord. Pilate was playing around with the Son of God, and you are playing around with the Son of God. When Pilate was sitting on the judgment seat, there came a messenger to him from his wife that said don't have anything to do with this righteous man, and Pilate knew he was righteous, and I am saying to you tonight, don't have anything to do with this ungodly wickedness that is put before you. You know it is wicked. It is not just the bathroom portion; it is the whole thing, it is wicked and it is putrid.

Mavor Roberts said I am going to let the Council speak one at a time, but I first wanted to thank the speakers. I appreciate your keeping your remarks to a minute. You were very eloquent and articulate in your comments. I also want to thank those who came from far away. We had folks from Raleigh and Boone and even someone here from Orlando, Florida. I just want to thank you for the careful attention to this issue and thank you for your time and patience this evening. I am going to let Council make some comments.

Councilmember Austin said you know the world is watching little Charlotte, North Carolina, my hometown. This time it is not for Panthers Football but is really to see what type of world class, global city we have become. The question is, are we a diverse city that is inclusive of all races, genders, religion, thoughts, perspectives, and orientations. Are we a city that celebrates our differences and realizes that we are stronger together, or are we a city that panders to fear and hate of those who wish to perpetuate in justice, discrimination, prejudice, and inequality? I say to you, not on my watch. There has been a lot of arguments on both sides of this non-discrimination ordinance. Many do not really make sense. People have been calling this a bathroom ordinance, spreading misinformation, half-truths, and all out lies. Sounds a little bit like the toll conversation we had last month. You know Council, the construct of our American society speaks of a foundation of freedom and equality, but our history tells a different story. Our history speaks of discovering America; however, I am sure that the Native Americans would say that they have already found it. Our history speaks of a race of people who were enslaved and proclaimed less than human to justify the need of a workforce, and this was supported by the Bible. Our history tells us of women being subjugated and denied full inclusion, or even being told how they can determine the uses of their body. Our current history details of the LGBT community fighting for the ability to marry the person that they love. History will note that we won that one. Tonight, the fight continues in little ol' Charlotte, North Carolina for America to live up to this foundation of freedom and equality. You know, members of the Council, LGBT people are not aliens that arrived on earth demanding rights. We have been here for a very long time; we are your sons; we are your daughters; we are your uncles, your cousins, your mothers, and your fathers. We exist in your families, your churches, from the pulpit to the pews. We are in your workplaces, in your schools, in your hospitals. We are not going anywhere, and we are not living in the shadows any longer. We will have equality. So, tonight I will be voting for the ordinance. Now, there was a lot of conversation about God. The God I know is a God of love. He is not a God or a person of fear or hate. God is love. Maybe we all need to understand that.

Councilmember Driggs said I want to emphasize first; I do not believe that anybody should suffer any kind of humiliation or abuse by virtue of gender issues. I think we should protect people who are exposed to that kind of abuse, but at the same time, I don't really think that is the issue here. What troubles me about this whole conversation is the way we have been put on the defensive about trying to hold on to certain traditional values when it relates to bathrooms, because we have been given a choice. Anybody who felt that parts of this was acceptable and parts are not acceptable was don't uh-uh this is how it has to be and there is absolutely no accommodation in here for all of the people that we heard tonight that object to this. Now, let's look specifically at the bathrooms because that seems to be the flash point. I want to emphasize there are other areas. I do not think a gay person should be denied service in a restaurant. If it was possible to have a conversation with my colleagues here on Council about passing that ordinance, okay, but no. Last time we came to vote on this thing, the issue actually arose of whether we would pass something that didn't cover the bathrooms but provided all of these safeguards in other areas, and that failed because a couple of people wanted the bathrooms in there. I believe they want the bathrooms in there because they recognize that if that is actually a different conversation. If you all are going to talk about the history of this country, and the history of civil rights, and you are going to make comparison between the experiences of African Americans and gay people, the comparison stops when you get to the bathrooms. There are three points that I particularly want to emphasize why I think that the bathroom portion of this argument really doesn't hold water. For one, in my mind and it has been said here several times tonight; this is not really about discrimination. The word discrimination is used because of its emotional power, but the truth is, everybody is required to use the bathroom that corresponds to their biological gender. You can't get more equal than that. What we are really talking about here is whether or not special accommodation should be made for people who find themselves in the wrong place. I have sympathy with them; I believe their life is difficult, and I think we should work to insure their safety, and to try to minimize their discomfort. I think the argument that they are being discriminated against by being told that they have to obey the same rules when it

comes to bathrooms is simply specious. They are the same bathrooms; they are in the same place. It is not the back of the bus. A speaker tonight actually did make that point, but we have to have that discrimination thing in order to fuel the kind of emotional argument. Let's talk about safety. Safety is something that has been highlighted both by victims of abuse of transgender people and LGBT people. It is also an issue that has been raised by a lot of opponents because they have fears about what will happen in bathrooms if the ordinance passes. In truth, the evidence that we have is not very conclusive. The supporters of the ordinance say that there is no evidence at all of any heighten risk to people in bathrooms, and what we have in our book here is 10 cities out of 200 that have passed the ordinance that say, well we haven't really had a problem. That is not very scientific. It is not much proof. I haven't seen any evidence to support the allegation that the safety of transgender people is improved by the passage of this ordinance. So, I do not think that there is a compelling objective safety argument; a fact based supported safety argument. I recognize before anybody objects, that there were many reported instances of abusive behavior towards transgenders. I do not deny that, but what I am saying is, specifically on the bathrooms what has occurred and how has the safety of transgenders been improved by passing this ordinance. The fact is, we already have laws that protect people from assault. Assault and battery, a felony offense which is much stronger than anything that we can legislate around the dais here. People also tend to be mean to each other. It is a fact of life. It is man's inhumanity to man. You get road rage, you get bar fights, you get all kinds of offensive behaviors of every which kind and we cannot legislate them all out of existence. Doesn't mean I think it is good, but I really think that to suggest that we could sort of eliminate bad behavior towards transgender people through the passage of this ordinance, is very optimistic. So, my feeling is the real issue here is a matter of comfort. What I mean by that is, we are talking about the comfort of transgender people being allowed to go to the room where they feel right, and the comfort of opponents of the ordinance who are afraid of some sort of safety issues of their children.

There is also a privacy question. We haven't really talked about that much tonight, but a lot of people would like to see traditional gender values maintained. They would like to see the old fashioned, this is where the boys are, and this is where the girls are. They have no thought of trying to put anybody at a disadvantage from the LGBT community. They were simply raised with a concept of this is where the boys are, and this is where the girls are. There is a lot of emotion and sensitivity around that, which I believe is being thrown under the bus in this conversation tonight. So, for that reason, I cannot vote for this ordinance. I can't support this, and it would have been nice to be able to have a conversation that was a little more inclusive of the views that we heard tonight, but what we are looking at right now is entirely on one side of this argument, and I think there is good reason to believe that a large portion of our community does not want this. One last comment I wanted to make was that the issue of Raleigh has been raised a couple of times and the governor was quoted in the paper about what would happen I think Governor McCrory cares deeply about Charlotte. He was mayor here for 14 years, elected 7 times. He has a feeling that he knows this city. He also knows the state of North Carolina. It is worth noting that tonight of our speakers, when we got to the speakers who were not from Charlotte, the balance shifted pretty decisively against the ordinance. It is a reflection of the fact that Charlotte is a bit different from the surrounding area, but we have to also be mindful of the fact that we have a great deal of influence that goes beyond the city boundaries. We are the core of a MSA of 2.3 million people, and I think what we saw tonight was that a lot of the people who do not live within the limits of the city are worried about coming here to shop or commuting here and represent a different attitude towards the ordinance and the people who live here. I think when the governor spoke out against it, he did out of his own personal conviction that traditional gender values deserve to be defended, and also his perception that the state in which we live and the people in our state government are not entirely with us on this thing. So, for him to point out the fact that since we are in a deal and rule state that the state legislature does control what happens in North Carolina. The City Attorney has argued that City Council has the authority to pass this even though that has been challenged by a member of the General Assembly. I would argue, yes, we have the authority because the General Assembly gave it to us, and they could take it away again. I bring up these issues in my capacity as the Chairman of the Intergovernmental Relations Committee and as a representative of the party that has the majority in Raleigh but the minority here. We should be a little more thoughtful about trying to get along with our neighbors and in the context of our state. So, my main three points are: I do not think this is discrimination; I do not think the safety issue has been proven sufficiently to support the

decision we are talking about making tonight, and I think a lot of people who are only motivated by traditional values of gender are just being ignored.

Councilmember Autry said I am also a father of four. I am a grandfather, and I am comfortable with the language in this ordinance. My children are comfortable with the language in this ordinance. I am the father of a daughter who is a lesbian. Thankfully marriage equality is the law of the land now. My daughter and her partner, from the last 14 or 15 years, were married in September of last year. When I grew up, I had two uncles, and only one of those men was my father's brother. Those two were together since 1961, and they taught me a lot about life, a lot about compassion, a lot about love, and a lot about caring for each other. I hold all of those recollections very dear. So, I will support this ordinance this evening, and I urge my colleagues to do the same.

Councilmember Kinsey said it would be easier for me tonight just to sit here, wait for them motion, and the second, then raise my hand to vote; however, I feel that you need to know why I am voting the way that I am. Now, let me give you a little bit of history. Shortly after I started serving my first term of City Council, back in 2004, the issue of domestic partner benefits came up. Now, if you are on this Council, you learn to count very quickly to six or seven, six because it takes that many votes to approve an action, and seven to override a mayoral veto. On the matter of domestic partner benefits, no matter how I counted, I could count only three votes, they came from the three women on Council. Nancy Carter, former City Councilmember elected from District 5, the late Susan Burges, and me. Happily, since that time, those three votes have grown into what I believe will be the votes needed to pass this amendment tonight. Now, I want my colleagues to know that I honor and respect their opinions and their feelings about this issue. I also honor and respect how they might vote tonight. This issue is a very simple issue for me however. I was taught from my earliest days in Sunday School at Allen Street Baptist Church here in Charlotte that we are all God's children and equal in God's sight. Now, I realize that there are days when I fall far short of that teaching, but I do not forget it. I truly believe we are all God's children. I have many friends in the LGBT community, good friends that I have had for many years. I also have a number of transgender friends, a very special one, Roberta who you heard speak tonight. So, for Nancy, Susan, and Roberta, my yes vote tonight is for you.

Motion was made by Councilmember Kinsey and seconded by Councilmember Mayfield to adopt Ordinance No. 7056 amending the City Code by adding marital status, familial status, sexual orientation, gender identity, and gender expression to the list of protected characteristics in the commercial non-discrimination, public accommodations, and passenger vehicles for hire ordinances.

Councilmember Fallon said I voted last time for the ordinance that was presented to us then. I would vote for that ordinance again. I would vote for job protection, housing protection, taxi protection, and restaurant protection, but I cannot impose my will on people who are frightened and do not understand and have not been explained to what this is all about when we come to the third part, which is the bathrooms, and because of it I cannot vote for it until the public understands what this is all about and has a fair hearing. Tonight was not a fair hearing; it was one side but not the other side. We heard from LGBT and Equality, we never heard from the other side, and I will not impose my will on other people. My vote is no.

Councilmember Eiselt said religion aside, to me community is about learning to live together and respect each other, and sometimes that is not always very comfortable, and I acknowledge that. With this vote, we are going to define ourselves either as a city that legalizes discrimination or prohibits it, and I would just like to make a note about religion. If I think about this as a church, and I was visiting your church tonight, I would never come back. I support this ordinance. I support this ordinance.

Councilmember Lyles said it isn't a very comfortable thing, to face a crowd like this that speaks with such passion on such a different issue, but we got elected to do something that we thought would be correct, to serve this community, not just for today but for the future. I heard so much tonight about love and hope and faith as people talked about this ordinance. I also heard the Scriptures, the fear, and the uncertainty about how it will impact our everyday lives. The thing that I think most about though is all of us growing up in this Southern Community, I grew up in South Carolina, and I remember walking through neighborhoods and having to experience

different people and how they were impacted by being different. I know people often think about that in terms of race, but I am not talking about that tonight, I am talking about people that were called names, students that were ridiculed in school, and those are the things that I most remember and that is what causes my heart to look at this with honor and compassion because I truly believe this ordinance is about treating people with respect and dignity. When I campaigned I said I wanted to make Charlotte a place where people of all ages want to live, work, play, and stay here to raise their families. That is my commitment to this community and I think that we do that by being inclusive. I think that we do that by making certain that we can welcome people here, that people feel invited here. We talk about what is different about Charlotte. It is about when we go out and talk about recruiting businesses we say bring your employees here because they can live here with respect and dignity. We say bring your family here because there will be a place where they can live and work. So, I support this ordinance because I am committed to this community, not just for today, not just for the people today, but for our future, and I believe that this makes a difference for our future.

Councilmember Mitchell said thank you everyone for all of your emails and phone calls expressing your opinions on this issue important for our community. This is not an easy decision for any of us sitting down here at this dais. I think most of us try to focus on public service and what is good to make our city better, but I am not a fan of the word discrimination. I campaigned on the trail of if any incidents in our community where discrimination exists, I will vote to remove discrimination. So, tonight I will be supporting the non-discrimination ordinance because I think it would make Charlotte a better city and a better community.

Councilmember Phipps said this is an extremely divisive issue as demonstrated by the comments we have heard here tonight, the thousands of emails I have received for and against, and personal phone calls directed to my office. Like my vote last year on this matter, I will not support the ordinance that is before us here tonight. For me, the case has not been made that we do in fact need such an ordinance. The implications of which have not been fully evaluated and assessed. For such a radical departure from existing norms, I have not seen clear, pervasive, or systemic evidence of discrimination that would warrant justification for expansion of the ordinance as proposed. I cannot dismiss the concerns over safety expressed by the overwhelming majority of people who contacted me. I feel Charlotte is a very welcoming city with hundreds of new residents flocking here each and every month. New businesses choosing to relocate here, including many who have already voluntarily embraced the protections this ordinance seeks without municipal mandate or interference. For these reasons, I will not support the ordinance.

Mayor Roberts Councilmember Smith, before we hear your comments I just want to say how sorry we are for your loss and I appreciate your family for letting you come here tonight for this important matter and as soon as you vote you can go home. I appreciate your time here.

Councilmember Smith said I did not have to come here tonight because the outcome is already predetermined. The forum and in my opinion, this hearing is a sham. It would have been doubly easy for me to stay home because my father passed away last night, but I could not sit idly by without registering my opposition to this outrageous ordinance. Ed eloquently summed up a lot of my points tonight; I want to add to some stuff he suggested. While there's no evidence to suggest that transgenders will be made any safer with this ordinance, there is evidence all across the country that transgender men are showering in women and children's locker rooms. What this law will do is it will legally make our mothers, daughters, and our wives feel uncomfortable and unsafe in the bathroom. I am voting against this because I simply share the common sense of the majority of Charlotteans.

Councilmember Mavfield said I have heard from many of you this evening using religious interpretation this evening. Just for clarification, I did not campaign on religion; I campaigned on economic development, job creation, equity, equality, transparency for all people. There will be many votes. There have been votes in the past; there will be many votes in the future where some residents will be upset, such as when I attended honorable Minister Farrakhan's speaking event a few years ago in Charlotte. Just as when I lobbied and supported banning 287-G which discriminates against those that are undocumented in the Latino community. My vote this evening lies with all laws that have been created to protect the minority. Also, I have heard that, unfortunately, many do not acknowledge and even respect the transgender community, and that saddens me. Luckily, for a number of you there are amendments in place for freedom of speech and many of you have spoken. I personally pray for a day when this much participation is

enacted regarding the true pedophiles that we have seen in churches, that we have seen in schools, that we have seen in households, because unfortunately, statistics, and the laws do show that it is immediate family members that are in that case. I also look for a day when this much energy is spent to eradicate homelessness, poverty, and address the educational divide in low income communities, and most importantly a day where we have more than an eight percent voter turnout regarding how we govern and how we move forward. The laws are not created for the majority; they are created for the minority. I had some people call me earlier today to say I have a special interest regarding tonight's vote. Well, you are right; I have always had a special interest for anyone, and group, any individual that is ostracized, that is abused, that has little to no voice. As a female, which I am pretty proud of most days, a couple of times out of the month maybe not so much, but I don't have to worry about which restroom to use, but I do need to be concerned as an elected official about how others are treated. It is my responsibility to try, to the best of my ability, to create and support protections for as many people as I possibly can, for that I will continue as I supported the original non-discrimination ordinance that was a fully inclusive ordinance. I will continue to do so this evening.

Mayor Roberts said this is clearly an emotional issue on both sides, and regardless of tonight's vote, it is clear we need to continue to have community conversations and dialog to address concerns and questions that are raised there tonight. I appreciate everyone's point of view; I want to particularly appreciate my colleagues. I know they have put a lot of effort into reading, and by the way, this information was very balanced. We had Focus on The Family; we have Values Coalition information in here; we had both sides, but I want to appreciate very much the thoughtful consideration and the respect that my colleagues have shown for each other and all of you. We have listened to each and every one as is appropriate in a democracy. I have long been a supporter of social justice. As a council commissioner, I support non-discrimination for county employees and voted to extend domestic partner benefits to same sex couples. Discrimination is never right. Many in our business community understand this, and many large and small businesses have lead, as have other cities and counties in LGBT non-discrimination. Our community understands that to attract the best possible talent, we must be a welcoming community that values each and every person's contributions and values them for who they are. Charlotte is committed to being an inclusive and fair community where all people are treated with dignity and respect. I urge my colleagues to support this ordinance but even more, I urge all of us to remember that dignity and respect is afforded to each human being. Many of you have devout Christian principals, and in my Christian upbringing I believe that respect and dignity are very important. Please help us continue this conversation; please help us continue to work together to work for you, and with that we will take a vote.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmember Austin, Autry, Eiselt, Kinsey, Lyles, Mayfield, and Mitchell.

NAYS: Councilmember Driggs, Fallon, Phipps, and Smith.

The ordinance is recorded in full in Ordinance Book 59, at Page 743-747.

* * * * *

PUBLIC HEARING

ITEM NO. 6: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF E. 17TH STREET AND AN ALLEYWAY OFF OF E. 17TH STREET

Mayor Roberts declared the public hearing open.

<p>There being no speakers either for or against, a motion was made by Councilmember Mitchell, seconded by Councilmember Lyles, and carried unanimously to close the public hearing and to adopt resolution to close a portion of E. 17th Street and an alleyway off of E. 17th Street.</p>

The resolution is recorded in full in Resolution Book 47, at Pages 217-221.

* * * * *

ITEM NO. 7: PUBLIC HEARING ON A RESOLUTION TO CLOSE AN ALLEYWAY OFF OF W. 28TH STREET

Mayor Roberts declared the public hearing open.

There being no speakers either for or against, a motion was made by Councilmember Lyles, seconded by Councilmember Mitchel, and carried unanimously to close the public hearing and to adopt a resolution to close an alleyway off of W. 28th Street.

The resolution is recorded in full in Resolution Book 47, at Pages 222-227.

* * * * *

ITEM NO. 8: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF GREENWOOD CLIFF

Mayor Roberts declared the hearing open.

A motion was made by Councilmember Lyles, seconded by Councilmember Mitchell, and carried unanimously to continue a Public Hearing to close a portion of Greenwood Cliff to the March 28, 2016 agenda.

* * * * *

ITEM NO. 13: MAYOR AND CITY COUNCIL TOPICS

Councilmember Mayfield said I just want to remind you that the annual District 3 Airport Job Fair has finally arrived. We have normally had it in May; we actually worked with the Airport and our business supporters and we have moved it up. It will be this coming Saturday, February 27th starting at 9am at the CLT Center. If you are not familiar, that is the VIP parking location right off of Wilkinson Boulevard. We will have public parking available. Please come out; bring your resume. Dress for an interview because we will be doing live interviews at the time. So, we look forward to having you out again. I would love to thank staff because we have the most amazing staff in the city, and to thank all of the residents who came out this past Saturday for my first of four budget charrettes. We had a wonderful time, community had a great opportunity, and councilmember Eiselt was able to make it, our Mayor was able to be there. We had a number of our commissioners that were there. We really had a good conversation about the budget and how we as a council come to decisions on moving forward with our budget and our budget priorities. I look forward to seeing you at the next one. If you have not received my emails please contact Kim Oliver at koliever@charlotte.nc.gov. so we can get your contact information so that we can advise you of upcoming charrettes that are happening.

Councilmember Lyles said I would like to say thank you for the invitation to attend the robotics lab at the Charlotte Airport. I went out and saw teams of young people from elementary school up to high school building robots from Legos all the way to robots that would actually be capable of working in a manufacturing environment. Mayor, I would like to invite them to come down before the state championship so that Charlotte can see the kind of work that we are doing with young people. We do not brag about them enough, and I really enjoy that time and would like to have them come back.

Mayor Roberts said I want to again remind folks that CIAA is this week. Tomorrow morning Antrice Mitchell has put together a great program at the Extravaganza Depot. I will be speaking about our Business INclusion program and how the CIAA is working very hard to offer opportunity to small women and minority owned businesses. That is part of what we are focusing on, is trying to bring opportunity to all corners of our city, and the CIAA has been terrific in helping us grow our small businesses in the women and minority owned category, and I look forward to seeing folks at the Extravaganza Depot tomorrow at 9:15. Those of you who are visiting Charlotte, seeing your teams play in the CIAA tournament; we welcome you and hope

you have a terrific week. We are very glad to share the CIAA with you. Good luck to all of the teams.

Councilmember Autry said I just want to remind us again to please observe the posted speed limits on our streets and roads in Charlotte. I know it is becoming ... for everyone but it is a very serious matter that we really need to address one way or the other. Making it unsafe for us to move around this city whether we are in a car, bicycle, or walking is not the kind of reputation this city needs to have out in front of it. I would also ask us to please look around, pay attention to the littler. Pay attention whenever there is trash in the back of the truck and it is blowing out and making our streets look terrible. I know we need a lot of private investment in Each Charlotte, but I would ask our citizens to also be mindful that the way the city's streets and roads look has a lot of influence. If people think that we do not care about our own neighborhood nobody is going to pay much attention to consider making investments there. Please do not litter.

Councilmember Driggs said I just want to mention quickly at my Friday morning coffee meeting I will be talking about the bond offering that is proposed by the state of North Carolina, pros and cons, and people are welcomed to come. You have to get there at 7:30 which is the bad news, but I think it will be a very interesting illumination of why we would want to do this and why we might not. It is at Ballantyne Hotel and Resort on Ballantyne Commons Parkway at 7:30 on Friday.

Councilmember Austin said God is love.

* * * * *

ADJOURNMENT

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 10:09 p.m.



Emily A. Kunze, Deputy City Clerk

Length of Meeting: 4 Hours and 30 minutes
Minutes Completed: March 21, 2016

Declaration of Luke C. Platzer

EXHIBIT E

POLITICS & GOVERNMENT FEBRUARY 22, 2016 3:06 PM

Charlotte City Council approves LGBT protections in 7-4 vote

HIGHLIGHTS

Prevents businesses from discriminating against LGBT customers

140 people spoke on both sides of the issue over 3 hours

Legislature could strike down ordinance, order a referendum



City Council votes 7-4 to approve non-discrimination ordinance 00:38





BY STEVE HARRISON

sharrison@charlotteobserver.com

After more than three hours of impassioned public comment Monday night, Charlotte City Council approved new legal protections for gay, lesbian and transgender people – a decision that will likely provoke a battle with the General Assembly, which could nullify the city’s historic vote.

Council members approved expanding the city’s existing nondiscrimination ordinance in a 7-4 vote.

The decision elicited cheers and hugs from supporters, many carrying signs that read “Facts Not Fear.” Opponents of the ordinance, many with signs that read, “Don’t Do It Charlotte,” were upset by the decision.

The changes mean businesses in Charlotte can’t discriminate against gay, lesbian or transgender customers, in addition to long-standing protections based on race, age, religion and gender. The ordinance applies to places of public accommodation, such as bars, restaurants and stores. It also applies to taxis.

[After LGBT vote, House speaker says lawmakers will ‘correct this radical course’]

The most controversial part of the ordinance would allow transgender residents to use either a men’s or women’s bathroom, depending on the gender with which they identify.

The bathroom provision sparked the most opposition, with opponents mostly worried about the safety of women and girls in a public bathroom with people who were born male. Supporters said those fears were overblown, and that transgender people are at risk of violence in the bathroom.



People speak during public forum on discrimination ordinance

Non-discrimination ordinance public forum at Monday's Charlotte City Council meeting.

rlahser@charlotteobserver.com

In an email Sunday, Gov. Pat McCrory said the bathroom provision would likely cause “immediate” action by legislators.

In North Carolina, the General Assembly has the ultimate power over municipalities. Legislators could strike down the entire ordinance, or they could eliminate the provision that allows for bathroom flexibility. They also could send the issue to voters to decide in a referendum.

Council members have acknowledged that Raleigh may trump their decision Monday. But supporters said it was important to pass an expanded ordinance.

A year ago, the ordinance failed in a 6-5 vote.

But two new at-large members – Julie Eiselt and James Mitchell – were elected to the council in November, and both supported the ordinance.

Democrat Al Austin voted for the ordinance.

“Are we a city that panders to fear and hate to those who wish to perpetuate fear and injustice?” Austin asked. “I say to you, ‘Not on my watch.’ ”

Democrat Patsy Kinsey, who voted for the ordinance, likened the ordinance’s passage to her efforts more than a decade ago to bring domestic partner benefits to same-sex city employees.

Eiselt criticized the speakers who opposed the ordinance. She said if they were her church, she “wouldn’t return.”

Republican Ed Driggs voted against the ordinance. He said the bathroom provision is troubling.

“Everyone is required to use the bathroom of their gender – you can’t get more equal than that,” Driggs said. “It’s not the back of the bus.”

Driggs was joined by Democrats Claire Fallon and Greg Phipps and Republican Kenny Smith in voting no.

Earlier this year, Fallon said she would vote for the ordinance. She said she couldn’t support the bathroom provision Monday.

[READ MORE: LGBT nondiscrimination ordinance supporters drop off petitions ahead of Monday vote]

[READ MORE: Charlotte is again weighing LGBT protections. Here’s what the rules would do.]

[READ MORE: Similar LGBT proposal failed in 2015]

The council’s main chamber, which holds 250 people, was closed by the Fire Department because it reached capacity. The city placed people in overflow rooms in the Charlotte-Mecklenburg Government Center, and other people filled the outdoor plaza behind the building.

Shortly before 7 p.m., the council began hearing from 140 speakers.

Jeanette Wilson of Charlotte, who opposed the ordinance, shouted at Mayor Jennifer Roberts and council members.

“Real discrimination happened at a lunch counter in Greensboro,” she said.

She added: “Mayor, your community forum was a sham!”

Wilson was referring to a meeting the city held in which supporters and opponents of the ordinance were asked to break into small groups and discuss the issue.

Lara Nazario, who was born a man but who identifies as a woman, said she wants to use the bathroom that corresponds with her gender identity.

“Is it my height or my Adam’s apple that makes me less of a human being?” she said. “I don’t want special treatment. I only want to be treated equally.”

Supporter John Arrowood, an attorney, said: “Discrimination against LGBT people is real. ... We’ve seen the opposition focus on fear-mongering which has no basis in fact.”

Another speaker, Pam Burton of Charlotte, urged council to vote no.

“Please don’t discriminate against me and my children,” she said. “I’m not scared of transgenders, but sexual predators will see this as a chance for fresh victims. If one child becomes a victim through this, shame on all of you.”

Earlier, Franklin Graham, head of the Billy Graham Evangelistic Association, urged Christians to come to Monday’s meeting and speak against the proposed ordinance.

He said the bathroom provision is “wicked and it’s filthy.”

The expanded ordinance would be the first of its kind in North Carolina. Three South Carolina cities have similar ordinances: Columbia, Charleston and Myrtle Beach.

It’s unclear what the Republican-controlled legislature will do, though they will have a number of options. They also will have almost unlimited power, and the ability to nullify all or parts of the city’s nondiscrimination ordinance.

[READ MORE: LGBT nondiscrimination ordinance supporters drop off petitions ahead of Monday vote]

[READ MORE: Charlotte is again weighing LGBT protections. Here’s what the rules would do.]

[READ MORE: Similar LGBT proposal failed in 2015]

The city’s ordinance will go into effect April 1.

Legislators, who will start a new session in May, could have three options if they wish to overturn the city’s decision.

- They could nullify the entire ordinance as it pertains to gay, lesbian and transgender people. That would include the bathroom provision, but also protections in places of public accommodation.

This would be the most controversial path.

Last year, two Charlotte Republicans, state Reps. Dan Bishop and Jacqueline Schaffer, proposed the Religious Freedom Restoration Act, which could have thwarted LGBT protections.

But the bill split House Republicans, and McCrory expressed reservations about it. A number of large businesses, including American Airlines, also expressed reservations.

The bill died in April.

In an interview Monday before the council vote, Bishop said it was too soon to say what path he might choose if Charlotte passed the full nondiscrimination ordinance.

“I don’t want to go to war with Charlotte,” he said.

But he added he wanted to protect small businesses, and said legislators would likely consider some measure to overturn the ordinance.

- The General Assembly could let most of the ordinance stand, through passing legislation that would eliminate the provision allowing transgender residents to use a men’s or women’s bathroom.

In an email to two Republican council members Sunday, McCrory focused on that part of the city proposal.

“It is not only the citizens of Charlotte that will be impacted by changing basic restroom and locker room norms but also citizens from across our state and nation who visit and work in Charlotte,” McCrory wrote in the email. “This shift in policy could also create major public safety issues by putting citizens in possible danger from deviant actions by individuals taking improper advantage of a bad policy.”

- Legislators could hand the issue to voters.

In 2007, a citizen-led petition drive led to a new vote on whether to repeal the half-cent sales tax for transit. The effort failed.

For the nondiscrimination ordinance, there is no procedure at the moment for a petition drive to have a new vote on the issue, said City Attorney Bob Hagemann.

But the General Assembly could pass legislation to allow Charlotteans to petition for a referendum. Legislators could also vote to place the issue directly on a citywide ballot.

Bishop said he believed that could happen quickly, possibly as early as the November ballot. That's when the governor, Senate and president will also be on the ballot.

STAFF WRITER MARK PRICE CONTRIBUTED.

Steve Harrison: 704-358-5160, @Sharrison_Obs

RELATED CONTENT

- City Council votes 7-4 to approve non-discrimination ordinance
- After LGBT vote, House speaker says lawmakers will 'correct this radical course'
- Charlotte residents share views on LGBT ordinance
- Non-Discrimination Vote
- Opponents of non-discrimination ordinance rally
- Opponents Of nondiscrimination ordinance Rally In The Rain
- People speak during public forum on discrimination ordinance
- Gallery: Charlotte's non-discrimination hearing



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EXHIBIT F

POLITICS & GOVERNMENT FEBRUARY 22, 2016 1:00 AM

McCrory: If Charlotte approves LGBT protections, 'immediate' state response likely

HIGHLIGHTS

Charlotte City Council is scheduled to vote Monday on expanding nondiscrimination ordinance

Governor says change could create 'major public safety issues'

Council appears to back measure



Supporters deliver petitions in favor of Charlotte's non-discrimination ordinance 00:35





BY STEVE HARRISON

sharrison@charlotteobserver.com

Gov. Pat McCrory warned two Charlotte City Council members Sunday that if the city approves new legal protections for gay, lesbian and transgender people on Monday, the vote would “most likely cause immediate state legislative intervention.”

McCrory is concerned about a provision in the proposed expanded ordinance that would allow transgender residents to use either a men’s or a women’s bathroom. That part of the ordinance has also caused a furor in Charlotte and led to the ordinance being defeated 6-5 last year.

“It is not only the citizens of Charlotte that will be impacted by changing basic restroom and locker room norms but also citizens from across our state and nation who visit and work in Charlotte,” McCrory said in an email to the council’s two Republicans, Ed Driggs and Kenny Smith. “This shift in policy could also create major public safety issues by putting citizens in possible danger from deviant actions by individuals taking improper advantage of a bad policy.”

McCrory, a Republican, continued: “Also, this action of allowing a person with male anatomy, for example, to use a female restroom or locker room will most likely cause immediate State legislative intervention which I would support as governor.”

Driggs and Smith voted against the ordinance a year ago and have been skeptical of it this year. McCrory’s email was sent after Driggs sent him an email Sunday afternoon asking his opinion on the issue.

Leading up to Monday’s vote, at least eight of 11 council members said they would support the expanded ordinance. Mayor Jennifer Roberts also supports it.

The LGBT community said the bathroom provision is important because many transgender people feel unsafe in a bathroom of the gender of which they no longer identify.

Democrat Al Austin, who supports the ordinance, said Sunday night that council members would move forward.

“We are trying to show the world that Charlotte is an inclusive place,” he said. “We can’t control what Raleigh thinks and what Raleigh does.”

He said he believes draft legislation already exists to overturn the city’s vote.

New protections

The city already has an anti-discrimination ordinance, but it doesn’t apply to discrimination against gay, lesbian or transgender people.

The proposal would give LGBT residents some legal protections in places of public accommodation, including bars, hotels, stores and restaurants. It would also give transgender residents the ability to use either a men’s or women’s restroom.

The ordinance wouldn’t affect employment. A business could refuse to hire someone for being gay. If that same person were denied service because of sexual orientation, it would be a violation of the proposed ordinance.

In his email, McCrorry said the issue is too important to ignore.

“Although I have made a point as the former 14 year Mayor and current Governor to stay out of specific issues being voted on by the Charlotte City Council, the item of changing basic long-established values and norms of access to public restrooms is misguided and has major statewide ramifications,” McCrorry wrote.

Equality NC, a civil rights nonprofit, issued a statement Monday calling the email exchange between McCrorry and Driggs scripted.

“With less than twenty-four hours from the expected passage of crucial non-discrimination protections for lesbian, gay, bisexual, and transgender (LGBT) people in Charlotte, Governor McCrorry’s choreographed exchange with Councilman Ed Driggs is disappointing as it is expected from a Governor that has consistently shown himself to be an adversary of North Carolina’s LGBT community,” the statement said.

Opponents and supporters have disagreed on how significant the discrimination is – and on whether an ordinance to outlaw it is needed.

The city’s Community Relations Committee said it has received only a few complaints from residents, but the group also said it doesn’t officially track complaints from the LGBT community.

The city has turned to a survey conducted by local gay-rights groups, which sent a list of questions to 146 members of the LGBT community after an expanded ordinance was defeated by City Council in a 6-5 vote in March 2015.

Council members are scheduled to vote on the ordinance again Monday.

[READ MORE: LGBT nondiscrimination ordinance supporters drop off petitions ahead of Monday vote]

[READ MORE: Charlotte is again weighing LGBT protections. Here's what the rules would do.]

[READ MORE: Similar LGBT proposal failed in 2015]

The LGBT survey, which organizers said is unscientific, asked questions about whether respondents had been discriminated against at a local business, among other questions.

Critics of the survey said it's biased and shouldn't be used by city officials to shape the debate. Tami Fitzgerald of the N.C. Values Coalition said most of the incidents described in the survey are what she calls "hurt feelings," incidents that she said the ordinance wouldn't affect.

"We have deep concerns about the so-called survey," Fitzgerald said.

Other results of the survey:

- Of 32 transgender people asked whether they had been "harassed, assaulted or discriminated against" when attempting to use a public bathroom, 17 said they had.

"I am an androgynous identifying male-bodied person," one person wrote, according to the survey. "I am frequently sneered at and verbally assaulted in public bathrooms and have frequently been harassed by individuals based on my gender-ambivalent appearance."

- Fifty-seven of the 146 people surveyed believed they had received poor service in Mecklenburg County because of their gender expression, gender identity or sexual orientation.

- Fifty-seven people also said an employee of a local restaurant, hotel, taxi company or public business had made a "disparaging comment" against them.

Scott Bishop of MeckPAC, a political lobbying group for the Charlotte LGBT community, said the survey shows that discrimination exists.

“We had 140 people who felt that they had experienced some level of discrimination, and they wanted to let us know about it,” Bishop said. “That’s what we captured in the survey.” Roberts and city officials have cited the survey as concrete proof there is a problem.



Mayor Roberts on LGBT ordinance

Charlotte Mayor Jennifer Roberts explains why the City Council intends to approve an LGBT non-discrimination ordinance on Monday despite legislative threats to kill it.

tbatten@charlotteobserver.com

Community input

Opponents of the ordinance have complained the city has not given them an equal platform to discuss their concerns. Though opponents will be allowed to speak Monday, the city has not invited an organization opposed to the proposed ordinance to speak at other meetings before the council.

Last year, for instance, the city invited the Human Rights Campaign, an advocacy group for the LGBT community, to address council members.

The city's Community Relations Committee held a forum last month in which supporters and opponents of the ordinance were encouraged to meet in small groups and discuss their differences.

Fitzgerald, of the N.C. Values Coalition, said the forum was not a substitute for giving opponents the opportunity to make a presentation before the city.

"That may be good for a community discussion, but to report that as community input is just wrong," she said.

At the Feb. 8 meeting, Roberts said the survey was conducted by the LGBT Chamber of Commerce. The chamber said Thursday that her comment was a mistake and that it hadn't worked on the survey.

A social worker had distributed questions to members of the LGBT community, and the results were passed to Bishop's group, MeckPAC.

At the Feb. 8 meeting, the city's Community Relations Committee released a list of cities that had recently passed similar ordinances, including ones with the bathroom flexibility. The summary showed the cities had few problems.

But Fitzgerald points to Seattle, which has a similar ordinance. Earlier this month, Seattle Parks and Recreation said a man entered the women's locker room at a public pool and took off his shirt, according to KING 5 News.

The man was not identifying as a woman.

The report said women informed the pool staff, who told him to leave. The man said, "The law has changed, and I have a right to be here."

More pledge support

Last year's vote focused on the bathroom provision for transgender residents.

Supporters of the expanded measure believed they didn't have six votes on the council for the full ordinance, including the bathroom flexibility. So Vi Lyles, the current mayor pro tem, proposed an ordinance with all protections except the bathroom flexibility.

That version failed 6-5. Two council members who supported the ordinance – John Autry and LaWana Mayfield – said they wouldn't support a watered-down proposal.

This year, at least eight of 11 council members have said they will support the ordinance.

“We still feel pretty good,” Bishop said.

As of Thursday, 119 people had signed up to speak about the ordinance. Roberts has limited speakers to one minute each.

Steve Harrison: 704-358-5160, @Sharrison_Obs

COUNCIL HEARING

The City Council's public hearing on the nondiscrimination ordinance will be held at 6 p.m. Monday at the Charlotte-Mecklenburg Government Center, 600 E. Fourth St. To sign up to speak, go to <http://bit.ly/1L4f1LK>.

RELATED CONTENT

- Supporters deliver petitions in favor of Charlotte's non-discrimination ordinance
 - LGBT nondiscrimination ordinance supporters drop off petitions ahead of Monday vote
 - Similar LGBT proposal failed in 2015
 - 'I have been called faggot. Many times.'
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COMMENTS

Declaration of Luke C. Platzer

EXHIBIT G

Local legislators vow to reverse Charlotte LGBT ordinance



Sen. David Curtis (left) and Rep. Jason Saine.

ADAM LAWSON **Staff Writer**

Lincoln County's two state legislators vow to reverse the decision by Charlotte's 11-person City Council on Monday night to provide discrimination protections to the city's gay, lesbian and transgender population.

After listening to three hours of public opinion on both sides of the aisle, the council voted 7-4 to expand an already existing discrimination ordinance by prohibiting businesses like bars, restaurants and taxis from discriminating against someone for being gay, lesbian or transgender.

It also allowed transgender customers the right to use the restroom of their choice, depending on the gender with which they identify. That part of the ordinance drew the most controversy and caused Gov. Pat McCrory, state House Speaker Tim Moore and Lincoln County's Raleigh representation to threaten legislative intervention.

"I oppose it and I feel like the General Assembly will pass a law reversing it. It's just inappropriate. I'm surprised and I'm disappointed," Republican Sen. David Curtis said. "I think it's just inappropriate. We have rules in our society and that's just one of the rules in our society. This liberal group is trying to redefine everything about our society. Gender and marriage, just the whole liberal agenda."

Two new council members helped an ordinance that failed 6-5 a year ago pass this time around.

Prior to the meeting, McCrory emailed two Republican council members to warn of the potential perils that would result from the proposal's approval. Councilmen Ed Driggs and Kenny Smith each voted in opposition to the ordinance.

"It is not only the citizens of Charlotte that will be impacted by changing basic restroom and locker room norms but also citizens from across our state and nation who visit and work in Charlotte," McCrory wrote, according to the Charlotte Observer. "This shift in policy could also create major public safety issues by putting citizens in possible danger from deviant actions by individuals taking improper advantage of a bad policy."

On Tuesday, Moore put out a statement criticizing the council for a decision that "has gone against all common sense and has created a major public safety issue by opening all bathrooms and changing rooms to the general public."

Jason Saine, who represents Lincoln County in the state House of Representatives, echoed both viewpoints.

"I believe Speaker Moore and Gov. McCrory have framed this issue correctly and will support legislative efforts to address this issue and restore common sense where absent," Saine said.

The American Civil Liberties Union of North Carolina, meanwhile, praised the council's decision.

"With this vote, North Carolina's largest city has affirmed that all people deserve to be treated fairly and protected by the law," acting Executive Director Sarah Preston said in a statement. "When a business decides to open its doors to the public, it should be open to everyone on the same terms. We applaud Charlotte's council members for making their city more safe, welcoming, and inclusive, and we urge municipal leaders across the state to follow their example."

North Carolina is not a home rule state, meaning that local municipalities do not have local authority to govern themselves. This gives the General Assembly the ability to step in and overturn local decisions.

The ordinance goes into effect April 1, and though Curtis doesn't foresee a special session being initiated to stop it before it takes effect, he guaranteed that legislators will "definitely reverse that," perhaps as soon as early May.

"We generally don't get involved in local politics," Curtis said. "We need to do what's right. I don't think we should let national criticism stop us from doing what we should do."

Image courtesy of LTN File

Declaration of Luke C. Platzer

EXHIBIT H

Politics | Tue Feb 23, 2016 2:02pm EST

Related: ELECTION 2016, POLITICS

N.C. city's vote to expand transgender rights draws state opposition

BY COLLEEN JENKINS

A top North Carolina lawmaker vowed on Tuesday to correct the “radical course” taken by leaders in Charlotte, the state’s largest city, after they voted to allow transgender people to use public bathrooms matching their gender identity.

The Charlotte City Council expanded the city’s nondiscrimination ordinance late on Monday to add protections for marital and familial status, sexual orientation, gender expression and gender identity.

A provision that permits bathroom choice based on gender identity drew opposition ahead of the 7-4 vote from Christian evangelist Franklin Graham and North Carolina’s Republican governor, Pat McCrory, a former mayor of Charlotte.

State House of Representatives Speaker Tim Moore, a Republican, said he would consider legislation to block the measure, which some critics fear would allow sexual predators to gain access to women’s bathrooms.

“The Charlotte City Council has gone against all common sense and has created a major public safety issue by opening all bathrooms and changing rooms to the general public,” Moore said in a statement.

“I join my conservative colleagues and Governor McCrory in exploring legislative intervention to correct this radical course,” he added.

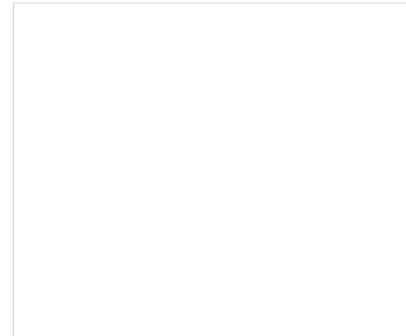
Civil rights groups rejected the public safety concerns as overblown. They praised the council for passing what they said was the first ordinance in the state to prohibit discrimination against gay, lesbian, bisexual or transgender people in public accommodations, including restaurants, hotels and taxis.

Charlotte was one of the largest U.S. cities without a law explicitly protecting the LGBT community from discrimination, according to the Human Rights Campaign, a civil rights group based in Washington. The revised law takes effect on April 1.

“Charlotte has full authority to enact this ordinance, and we hope the General Assembly will respect this local government’s decision to protect its residents and visitors from discrimination,” said Sarah Preston, acting executive director of the American Civil Liberties Union of North Carolina.

Voters in Houston, the fourth most populous U.S. city, last fall rejected a similar measure that would have banned discrimination based on gender identity and sexual orientation and let transgender men and women use bathrooms that corresponded with their gender identity.

(Reporting by Colleen Jenkins in Winston-Salem, N.C.)



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Declaration of Luke C. Platzer

EXHIBIT I

STATE POLITICS FEBRUARY 25, 2016 4:08 PM

NC House speaker weighs special session on Charlotte LGBT ordinance

HIGHLIGHTS

Tim Moore says there's 'overwhelming' sentiment against the provision involving restrooms

He said the only question is whether to have a special legislative session or wait until lawmakers reconvene in April



Speaker Tim Moore on Transgender Bathrooms 01:14



BY  JIM MORRILL 
jmorrill@charlotteobserver.com

N.C. House Speaker Tim Moore said Thursday he's exploring a possible special legislative session to deal with a controversial provision of Charlotte's expanded nondiscrimination ordinance.

Moore and others object to the so-called bathroom provision that would allow transgender people to use the restroom of their choice, depending on the gender with which they identify.

In an email to GOP lawmakers, he said, "the recent radical actions of the Charlotte City Council ... pose a real danger to public safety concerning the sexual identity and bathroom matters ... If we do not act, the Charlotte ordinance will go into effect on April 1."

The General Assembly's short session is scheduled to convene April 25.

Whether in a special session or regular session, Moore predicted lawmakers will deal with the provision in a statewide bill. That would prevent other cities from adopting similar ordinances.

This week the Campaign for Southern Equality and Equality NC called on the Asheville City Council to pass similar LGBT measures.

A special session would cost about \$42,000 a day. A two-day special session on redistricting this month cost about \$84,000. Moore said he's gauging the interest of fellow GOP lawmakers. But he said he could be worth it.

"While special sessions are costly," he wrote, "we cannot put a price tag on the safety of women and children."

Scott Bishop of MeckPAC, a lobbying group for the local LGBT community, said he is surprised legislators would call a special session.

"If they are going to come in, then come in and solve some real problems," he said.

The speaker's remarks are the latest legislative blow-back to the ordinance, which the city council passed 7-4 on Monday night.

[READ MORE: Charlotte city attorney says new rule won't outlaw separate restrooms]

[READ MORE: Charlotte City Council approves LGBT protections in 7-4 vote]

Republican Gov. Pat McCrory, who would have to call a special session, said Thursday he hasn't talked to lawmakers about it. But the governor took the unusual step of warning council members of repercussions before they voted.

"I gave a clear warning to city council that they were stirring up a hornet's nest in Raleigh," McCrory said Thursday.

Earlier this week, the speaker said the ordinance goes "against all common sense" and promised to look at "legislative intervention to correct this radical course." And House Majority leader Mike Hager of Rutherford County said lawmakers would try to remove the bathroom provision.

"Restrooms and locker rooms," he said this week, "should remain distinctly private."

Senate leaders declined to comment on "internal caucus communications."

One Charlotte Democrat ridiculed Republicans' haste to overturn the city's ordinance.

"This is the heavy hand of big government from the folks who are always talking about small government," s Sen. Jeff Jackson said. "A special session would show that the folks in Raleigh can't bear the thought of waiting a few more weeks to poke Charlotte with a stick. Apparently harassing Charlotte is an emergency on par with responding to a hurricane."

Rep. Craig Horn, a Union County Republican, said lawmakers are talking about it. But not everyone's convinced a special session is needed.

"There are people who say 'absolutely,'" he said. "And then we've had other voices say, 'Wait a minute, let's be a little more contemplative.' Let's find out what the legal ramifications are."

Moore said there's "overwhelming" sentiment against the provision.

"The only real debate is whether members want to come in for as special session or deal with it in the short session. I'm good either way."

CHARLOTTE OBSERVER STAFF WRITER STEVE HARRISON AND NEWS & OBSERVER STAFF WRITER COLIN CAMPBELL CONTRIBUTED.

Jim Morrill: 704-358-5059, @jimmmorrill

Declaration of Luke C. Platzer

EXHIBIT J

Transcript of Video

“Speaker Tim Moore on Transgender Bathrooms”

News & Observer

February 25, 2016

Available at: <http://www.newsobserver.com/news/politics-government/state-politics/article62503082.html>

TEXT ON SCREEN: N.C. House Speaker Tim Moore, R-Cleveland, says legislature may act against Charlotte city ordinance allowing transgender people to use the restroom that matches their gender identity.

MOORE: I believe that the Charlotte City Council has kind of forced that issue on us to deal with, and that— It, it’s a— To that point, it’s a— It’s a public safety issue, where a person can identify—where a man can identify himself as a woman, even if he’s a registered sex offender, it doesn’t matter—and can go inside a women’s restroom, where he would be around women and children— It makes no sense. It’s absolutely ludicrous. And why someone would pass that thinking that is somehow good policy. That is somebody trying to push a ultra left politically correct agenda in the face of common sense. I mean, we all learned in kindergarten that guys go to the men’s room, and gals go to the women’s’ room. You know, and so why folks think they have to upend that to be politically correct makes no sense.

Declaration of Luke C. Platzer

EXHIBIT K



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Group Rallies Against Proposed Special Session on Non-Discrimination Ordinance



By Amy Elliott
Thursday, March 17, 2016 at 05:11 PM EDT

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RALEIGH -- Protesters made their way to Raleigh from the Queen City to voice their concerns over a possible special legislative session in response to Charlotte's non-

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discrimination ordinance.

The demonstrators gathered outside the legislative building in Raleigh to say they believe overturning the ordinance would be discriminatory.

The ordinance allows transgender individuals, like Erica Lachowitz, to use the restroom of their choice. Lachowitz spoke out at Thursday's rally.

"It sends a message to everyone that we matter. I've had my ribs broken. I have had my face smashed to the ground. I have woken up with a tube in my throat," Lachowitz said.

She says she has been using the women's restroom for years and the ordinance protects her right to do so.

"It is safer for me to do that than run the risk," Lachowitz said. "I would rather be judged in court than run the risk of getting my face beaten in again because that is more than likely the outcome of that."

"The ordinance reaffirms our shared values as North Carolinians that we should all be treated fairly and live free from discrimination, and the General Assembly should not interfere," said executive director of the ACLU of NC, Sarah Preston.

In response to Thursday's rally, House Speaker Tim Moore said in part: "They want to protect adults who feel compelled to dress up like the opposite sex. I, on the other hand, oppose the ordinance to protect children, who from the time they've been potty trained, know to go into the bathroom of their god-given appropriate gender. Honestly, it is ridiculous we are even having this discussion. I look forward to invalidating this ordinance as soon as possible."

Representative Nelson Dollar says he is also in favor of overturning the ordinance.

"We have known who goes into what bathroom for centuries now. It's really not an issue," Rep. Dollar said on Thursday.

A decision has not yet been made about whether a special session will be called before the short session begins in late April.

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Declaration of Luke C. Platzer

EXHIBIT L

General Assembly may hold special session to block new Charlotte LGBT protections

By Joe Killian joe.killian@greensboro.com | Posted: Thursday, February 25, 2016 5:23 pm

N.C. House Speaker Tim Moore (R-Cleveland) is rallying Republican support for a special session to address a Charlotte ordinance that expands protections for lesbian, gay, bisexual and transgender people.

The Charlotte ordinance, passed Monday, would allow transgender people to use a public restroom based on the gender with which they identify.

Gov. Pat McCrory warned this week that the bathroom portion of the ordinance — which also extends non-discrimination protections in many other areas — was too much. The governor predicted the legislature would take immediate action over it.

In an email to Republican lawmakers Wednesday afternoon, Moore suggested a special session to keep the ordinance from going into effect April 1. The General Assembly is not scheduled to return to session until April 25.

Moore suggested a special, early session “to deal with the recent radical actions of the Charlotte City Council that I believe pose a real danger to public safety concerning the sexual identity and bathroom matters, as well as the related mandates upon private businesses.”

Using the bathroom designated for the gender with which they identify isn’t just an issue of preference or comfort for transgender people, said Holden Cession, a Greensboro transgender activist. It’s a matter of safety. A transgender person who identifies as or presents as visibly female could become the victim of an assault if forced to use a male restroom, Cession said.

“Nobody should ever feel like they have to be in harm’s way just to access something as basic as a restroom,” Cession said. “Nobody should face those kinds of barriers for something so basic.”

The General Assembly held a two-day special session last week to approve new congressional district maps after federal judges struck down the old ones as racially gerrymandered.

In his email, Moore acknowledged another special session could be costly, but he wrote “we cannot put a price tag on the safety of women and children.” If he can get 72 lawmakers to agree to a special session, Moore wrote, he would ask state Senate President Pro Tempore Phil Berger (R-Rockingham)



NC government graphic

to join him in calling for a special session.

Last year Greensboro became the first North Carolina city to extend such protections in housing discrimination. But Charlotte's ordinance goes a step further.

The ordinance prohibits private businesses from discriminating against gay, lesbian or transgender customers, adding to existing protections against discrimination for gender, age, race and religion.

Members of the Guilford delegation to the N.C. House of Representatives were split Thursday on whether to hold another special session.

"I think it's ridiculous that your anatomy isn't what governs what restroom you use," said N.C. Rep. John Blust (R-Guilford). "I don't understand why they have to make way for this .0001 percent of the population."

While he doesn't like the ordinance, Blust said he isn't yet convinced that it requires a special session.

"If there's some legal reason why we would need to stop it before it goes into effect, maybe a special session is needed," Blust said. "But no one has explained to me yet why we can't just deal with this when we come back in April or in May."

N.C. Rep. Jon Hardister (R-Guilford) said he doesn't yet know enough about the Charlotte ordinance to say where he stands on the issue.

"If it's something the legislators feel like they need to do, and the people want us to deal with it, we'll have a special session," Hardister said. "Right now I'd say it's a good possibility."

N.C. Rep. Pricey Harrison (D-Guilford) said she doesn't believe a special session is needed.

"It costs money to bring us into a special session and we'll be back in two months," Harrison said.

"I know that people are uncomfortable with the whole bathroom issue," she said. "I think there's a real lack of understanding and sympathy for what transgender people go through. Not many of us have that, unfortunately."

Cession said push-back against ordinances like the one in Charlotte are based in ignorance and fear.

"They always try to paint it as having to protect women and children from transgender folks, like they're predators," Cession said. "But the statistics do not bear that out."

"And what about transgender children that need protection, young trans kids who need to be safe and to be able to be their authentic selves?" Cession asked. "Those are never the children the General Assembly is thinking about."

Declaration of Luke C. Platzer

EXHIBIT M

UNDER THE DOME MARCH 3, 2016 6:09 PM

Republican lawmakers blast Charlotte's LGBT protections

HIGHLIGHTS

Senate leaders call on Attorney General Roy Cooper to what 'he was elected to do'

House speaker says his members want a special legislative session to deal with the issue

Sen. Buck Newton: 'The city council of Charlotte has lost its mind'



Berger calls Charlotte transgender bathroom ordinance 'crazy' 00:56





BY JIM MORRILL

jmorrill@charlotteobserver.com

RALEIGH — Republican legislative leaders on Thursday continued to hammer away at Charlotte's new legal protections for LGBT residents, with the House calling for a special legislative session to deal with it.

Shortly before Speaker Tim Moore announced House support for a special session, Senate leaders called on Democratic Attorney General Roy Cooper to effectively nullify the ordinance.

Senate leaders held out the possibility of a special session, which would have to be called by Republican Gov. Pat McCrory. Lawmakers are scheduled to reconvene for this year's session April 25. The ordinance takes effect April 1.

Top Senate Republicans blasted the Charlotte City Council as well as Cooper. The council last month revised the city's nondiscrimination ordinance to add sexual orientation, gender identity and gender expression to the list of protected groups. The change will allow transgender people the right to use the bathroom of the gender they identify with.

"The City Council of Charlotte has lost its mind," Sen. Buck Newton of Wilson County told a news conference at the General Assembly.

Newton, who is running for attorney general, said the entire ordinance should be overturned, not just the bathroom provision. He also criticized Cooper, who is running for governor.

"Let's be clear about this," Newton said. "We're calling on Roy Cooper to do what Roy Cooper was elected to do."

Asked what specific laws they want Cooper to enforce, Republican Rep. Dan Bishop of Charlotte said the Charlotte ordinance could allow violation of several statutes, including indecent exposure and trespassing.

Charlotte City Attorney Bob Hagemann could not be reached for comment.

Cooper said in a statement that local ordinances "can't trump criminal law."

“District attorneys can prosecute criminals just as always,” he said. “This news conference is at best a partisan political sideshow for an attorney general candidate, and worse it’s misleading North Carolinians about how the law actually works.”

In announcing House approval for a special session, Speaker Tim Moore of Kings Mountain said the Charlotte ordinance “poses an imminent threat to public safety.”

Senate President Pro Tem Phil Berger of Eden called the Charlotte ordinance unreasonable.

“How many fathers are now going to be forced to go to the ladies’ room to make sure their little girls aren’t molested?” he said.

Chris Sgro, executive director of Equality NC, a gay rights group, said “(T)he state’s political leadership continues to focus all its time and energy on creating legislation to usurp local control from towns and cities.

“Ordinances, like the one passed in Charlotte, protect and safeguard the right and opportunity of all persons to be free from arbitrary discrimination,” he said in a statement. “We simply cannot abandon these crucial protections because a small group of extremists in Raleigh are using the LGBT community as political leverage.”

Jim Morrill: 704-358-5059, @jimmorrill

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- Berger calls Charlotte transgender bathroom ordinance 'crazy'



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EXHIBIT N

Quotes of the week - Salisbury Post

Published 12:00 am Friday, March 25, 2016

“You know, \$42,000 is not going to cover the medical expenses when a pervert walks into a bathroom and my little girls are in there.”

— **State Sen. Andrew Brock, R-Davie,**

on the daily cost of a special session to block a law that would allow transgender people to use the bathroom of the sex with which they identify

“You go numb. ... You never get over it. You learn to live with it.”

— **The Rev. Carlin Ours,**

on his son Jesse Ours' suicide
after returning home from Iraq with PTSD

“I don't think novels change the world like they used to. Some may make you think, but that's all.”

— **Jane Smiley, author,**

at Brady Author Symposium

“I began my career in politics as an angry parent who was concerned about the school system in Guilford County, and today I am an angry grandmother who is still concerned about the access of a quality education for all our children.”

— **U.S. Rep. Alma Adams, D-NC,**

speaking to the AAUW in Salisbury

Correction *Two quotes were jumbled in the March 18 quotes of the week. Here they are, corrected.*

“You don't have to look far for someone who needs help.”

Crystal Karriker, organizer,

Love Thy Neighbor Race, which raised \$35,000

“And you never know when it
will be you.”

— **Judy Ritchie,**

wife of the man being help
by the race, Jimmy Ritchie

Declaration of Luke C. Platzer

EXHIBIT O

http://www.enquirerjournal.com/news/legislature-trumps-charlotte-overrules-non-discrimination-ordinance/article_0d8957a8-f1f9-11e5-a391-f7d5aaa51078.html

Legislature trumps Charlotte; overrules non-discrimination ordinance

Carolyn Steeves Mar 24, 2016

The General Assembly met in a special session Wednesday to discuss House Bill 2, the “Public Facilities Privacy & Security Act.”

The bill was passed by both houses and signed by Gov. Pat McCrory Wednesday night. Local representatives Dean Arp, Mark Brody and Craig Horn voted for the legislation, with Arp and Brody co-sponsoring it. State Senators Fletcher Hartsell and Tommy Tucker also approved the bill.

The bill was in response to a recently-passed Charlotte City Ordinance that provided protections for lesbian, gay, bisexual and transgender (LGBT) people. The ordinances included a controversial provision that allowed transgender people to use the bathroom they identified with.



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“The Charlotte ordinance just violates, to me, all basic human principles of privacy and it just has so many unintended consequences,” Brody said. “(It) violates my Christian values and it violates decency values...(I) had to stop it.”

Brody said his decision to co-sponsor the bill was an “exclamation point” to show his support for the legislation.

“The homosexual community just stepped too far and that had to stop and that’s my basic opinion,” Brody said. “This is driven by the homosexual community and they’re emboldened by their victory in the courts on homosexual marriage.”

The law supersedes and pre-empts local government with regard to nondiscrimination policies and creates “statewide consistency” with public accommodations.

It establishes single-sex and multiple occupancy bathrooms and changing areas, though does not prohibit accommodations like single-occupancy bathrooms or changing facilities. There are also exceptions for custodial purposes, maintenance, inspection, to render medical assistance, to accompany people needing assistance or if the room has been temporarily designated for a person’s biological sex.

The law has been criticized for eroding local control, something the North Carolina League of Municipalities opposes.

“Placing limits on local decision-making authority ultimately is a limit on the political power of local residents. Those residents can and do hold local officials responsible for their decisions,” Paul Meyer, Executive Director of the North Carolina League of Municipalities, said in a statement. “The League has and will continue to oppose legislation like this which pre-empts local decision-making and undermines the political power of local residents.”

Brody said that while they want to have a lot of decisions made in the local realm, North Carolina law allows the state to govern municipalities.

“We like local control,” Brody said, adding that they cannot have “local abuse.”

Brody said the protections exist that were there before and it was Charlotte City Council who changed them.

“Keep in mind, we’re not changing anything,” Brody said. “It’s Charlotte (that) changed something and we’re just bringing it back.”

He said the legislation was “sending them a warning” that if the council wants to do something radical, the state will step in.

“It sends a message to these municipalities who have been taken over by the liberal, homosexual, pro-homosexual ideology that we are going to stick up for traditional values and we’ll stick up for them constantly if that’s what we have to do.”

The special session to pass this legislation cost about \$42,000, which Brody said was “money well spent.”

Horn voted for the bill for three reasons, he said in an interview. He felt it was “absolutely an overreach” by the Charlotte City Council, he was concerned about the impact on people outside of Charlotte as well as in Charlotte and he wanted to provide some consistency across the state in how businesses can respond to the needs of the various areas of the state.

He said it seemed to him the Charlotte ordinance dictated to companies outside of Charlotte.

With regard to the bathroom portion of the ordinance, Horn said it was a privacy issue for him.

“I don’t denigrate the needs of or the social aspect of various, LGBT or others at all,” Horn said. “But I think everyone has a right to privacy, regardless of sexual orientation or gender.”

“We live in an era of way too much fear,” Horn said. “It’s a shame that it’s gotten to this point, but it has.”

Horn said that in order to respond to the needs of his constituency, in Union and Mecklenburg Counties, he had to consider the need for privacy.

“Do I have my concerns about it? Yes...I do and I would never deny that,” Horn said. “But in the big picture, in the broadest view, I think that was the right thing to do.”

Arp was a co-sponsor of the bill and spoke on the floor of the House in favor of it. He said in an interview that he was pleased it was a bi-partisan vote in the House.

“I’m glad that we were able to act to protect the privacy rights of all North Carolinians,” Arp said. “I don’t think that counties and municipalities have the authority to strip citizens of their right to...privacy.”

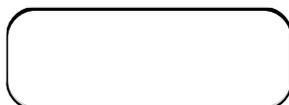
He said the law is “just common sense for me.”

“No men should be in women’s bathrooms, locker rooms or showers,” he said.

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“What we did was make a statement that they do not have the authority to strip North Carolina citizens of their right to bodily privacy...in these distinctly private areas,” Arp said.

The American Civil Liberties Union (ACLU) of North Carolina called the legislation the “most extreme anti-LGBT bill in the nation.”

“Rather than expand nondiscrimination laws to protect all North Carolinians, the General Assembly instead spent \$42,000 to rush through an extreme bill that undoes all local nondiscrimination laws and specifically excludes gay and transgender people from legal protections,” Sarah Preston, acting Executive Director of the ACLU of North Carolina said in a

statement. “The manner in which legislators passed the most extreme anti-LGBT bill in the nation – voting hours after it was unveiled without adequate public debate – flies in the face of fairness and democracy.”

Legislators have gone out of their way to stigmatize and marginalize transgender North Carolinians by pushing ugly and fundamentally untrue stereotypes that are based on fear and ignorance and not supported by the experiences of more than 200 cities with these protections. Transgender men are men; transgender women are women. They deserve to use the appropriate restroom in peace, just like everyone else,” Preston said in a statement.

According to a statement from the ACLU, more than 200 cities, including Myrtle Beach and Columbia, South Carolina, have adopted nondiscrimination ordinances similar to Charlotte’s without negative consequences.

Monroe City Attorney Mujeeb Shah-Khan said staff is still evaluating the impact of the bill on the city. The text of the bill was released Wednesday morning.

He said staff has reviewed some of the city’s programs and they believe the impact will be “minimal.”

Monroe does not have a nondiscrimination ordinance like Charlotte or other places and in terms of bathrooms, multiple occupancy facilities are designated single-sex or family.

“The impact right now is minimal on the city,” Shah-Khan said, noting they are still reviewing it.

While the impact right now is minimal, the law does affect future actions Monroe City Council could take. If Monroe chose to create a nondiscrimination ordinance, they would no longer have that authority.

Shah-Khan said they are also evaluating the city’s enforcement responsibilities under the law, like the standard of proof or what the charges are.

Union County Communications Officer Brett Vines wrote in an e-mail that the county does not have a position on the bill.

Tucker could not be reached for comment.



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Declaration of Luke C. Platzer

EXHIBIT P



McCrory opposes Charlotte bathroom law but doesn't want a special session

Tags: Pat McCrory, Tim Moore

Posted February 29

669



6 Reactions



By Mark Binker

RALEIGH, N.C. — Gov. Pat McCrory says lawmakers should wait until their scheduled return on April 25 to address Charlotte's new ordinance on transgender rights rather than call a special session in the next two months.

"My inclination is to support efforts to have a bill introduced as soon as we come into short session," McCrory said Monday afternoon.

He said the cost of calling lawmakers back early was a primary concern. It costs about \$42,000 per day to operate the state legislature during a special session.

McCrory, a Republican, said he wants the Charlotte ordinance addressed quickly "so we can move on to other priority items."

Last week, House Speaker [Tim Moore](#) began asking other House Republicans whether they would be willing to return to Raleigh to take up the issue. The Charlotte ordinance goes into effect on April 1.

"While special sessions are costly, we cannot put a price tag on the safety of women and children," Moore wrote to members on Wednesday.

Reaction to Moore's inquiry was mixed, with some lawmakers eager to return and other more circumspect about the need.

A spokeswoman for Moore said he was "still gauging interest" among Republican House members regarding a special session. 

As governor, McCrory can call lawmakers back to work at any time. The legislature also has a mechanism by which House and Senate members can call themselves back to session, but the process is cumbersome.

It appears State Senate President Pro Temp [Phil Berger](#), R-Rockingham, agrees with McCrory.

"Charlotte City Council's decision to allow men to share public bathrooms with little girls and women has clearly raised a lot of concern across the state. As of today, the earliest the legislature could take any action would be April 25," a spokeswoman for Berger said Monday afternoon.

The Charlotte measure broadly defines how businesses must treat gay, lesbian and transgender customers, but as in other cities recently, the debate has focused on bathrooms. In particular, the ordinance would allow men and women who identify as something other than their birth gender to use the bathroom in which they are most comfortable. 

This has provoked a backlash among social conservatives and others who make the case that it will open the way for sexual predators to harass women and girls. Activists for the rights of transgendered individuals say there is little evidence that would-be molesters would take advantage of such a law. Rather, it would be cases in which, for example, a person presents as a woman but is forced to use the men's room that could be problematic.

McCrory clearly sides against the ordinance. He did not have a specific vision for what the law would look like, but he said he is working with legislative leaders so that there would be one set of rules for bathroom usage statewide.

"We need to respect the privacy of women and children and men in a very private place, and that's our restrooms and locker rooms," McCrory said. "To have many different cities and towns coming up with their own ordinance in how to deal with restrooms and locker rooms is, I don't think, good for our state."

McCrory is running for re-election this year, and his likely Democratic challenger is Attorney General Roy Cooper. Thus far, Cooper has not made a public statement regarding the Charlotte ordinance, although he did [refuse to align North Carolina in court with a Virginia school district that is fighting a discrimination lawsuit by the American Civil Liberties Union seeking to allow a transgender high school student in that state to use the men's bathroom.](#)

The North Carolina Republican Party has been pressuring Cooper to take a stand on the Charlotte matter, and on Monday questioned whether donations to his campaign by advocates for the transgender rights ordinance were influencing his decision.

"The governor and legislature should stop playing politics and start focusing on creating good high paying jobs and making education a priority. State law can't be pre-empted by a local ordinance. Acts that were a crime before this ordinance are still a crime," said Jamal Little, a spokesman for Cooper's campaign.

CREDITS

Reporter [Mark Binker](#)

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Declaration of Luke C. Platzer

EXHIBIT Q



Speaker Tim Moore
@NCHouseSpeaker

Follow

I have received requests from more than 3/5 of House to call a special session. #ncga #ncpol My statement below:



OFFICE OF THE SPEAKER
Rep. Tim Moore
Speaker of the House

FOR IMMEDIATE RELEASE
Thursday – March 3, 2015

Contact: [Mollie Young](#)
919-733-5917

**North Carolina House Calls for Special Session
to Address Charlotte Restroom Ordinance**

Raleigh, N.C. – Today Speaker Tim Moore (R-Cleveland) announced he has received requests from more than three-fifths of House members to call a special session to address the Charlotte City Council’s recently passed ordinance affecting the safety and privacy of people using restrooms.

“The vast majority of my fellow colleagues in the House and I believe the ordinance passed by the Charlotte City Council poses an imminent threat to public safety. We believe it prudent to consider immediate action because the Charlotte City Council decided to make its ordinance effective prior to the convening of our short session. We understand that special sessions have a cost, but the North Carolina House is unwilling to put a price tag on public safety,” said Speaker Moore on Thursday.

###

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Declaration of Luke C. Platzer

EXHIBIT R

POLITICS & GOVERNMENT MARCH 22, 2016 4:35 PM

Leaders aren't releasing bill for Wednesday's NC special session on bathrooms

HIGHLIGHTS

Session responds to Charlotte action that would allow transgender people to use restroom of gender with which they identify

Proclamation says legislators also will address 'regulation of employment'

House minority leader calls for bill to be released: 'We're playing hide-and-seek democracy here'





BY COLIN CAMPBELL

ccampbell@newsobserver.com

Proposed legislation for Wednesday's unusual special General Assembly session wasn't released publicly Tuesday, but legislative leaders indicate the bill could go well beyond a Charlotte ordinance on transgender bathroom use.

Lt. Gov. Dan Forest posted a formal proclamation calling for the special session Tuesday afternoon. It says the legislature will meet starting at 10 a.m. to consider proposals "to provide for single-sex multiple occupancy bathroom and changing facilities and to create statewide consistency in regulation of employment and public accommodations."

The proclamation was the first mention of employment regulations in reference to plans for the special session. Forest and House Speaker Tim Moore signed the proclamation.

Andy Munn, a spokesman for Moore, declined to provide a copy of the draft legislation and said it probably wouldn't be made public until Wednesday – hours before it comes to a first vote. "There are still a few tweaks to be made to it," he said.

Munn wouldn't provide details of the proposal under consideration.

House Minority Leader Larry Hall, a Durham Democrat, called on Moore to release the bill so legislators can consider what they'll be voting on Wednesday.

"We're playing hide-and-seek democracy here," Hall told The News & Observer Tuesday afternoon. "We don't know what we're discussing here, we don't know what we're voting on. What we're doing is a perversion of the process."

The Associated Press reported that it obtained a copy of one draft of the bill. That draft, according to The AP, "would appear to pre-empt completely what Charlotte added to its non-discrimination ordinance and prevent local governments from passing similar acts."

Lobbyist Theresa Kostrzewa also obtained a draft version and posted sections of it on Twitter. One potential provision would ban cities and counties from regulating employment practices, including setting a higher minimum wage. Another would prevent counties from requiring government contractors to uphold specific employment practices.

Kostrzewa said she doesn't know whether the draft she posted was still under consideration. Munn would not confirm the authenticity of any of the drafts being circulated.

The N.C. League of Municipalities and the Metropolitan Mayors Coalition said they could not comment on possible curbs to local government control until the bill is introduced.

The special session is in response to the Charlotte City Council's recent vote to expand protections for gay, lesbian, bisexual and transgender people, including a provision that will allow transgender people to use the restroom and locker room facilities of the gender with which they identify. The ordinance goes into effect April 1.

Opponents said the ordinance effectively allows men to use women's restrooms and locker rooms, and they said it will endanger public safety and possibly lead to sexual assaults.

LGBT advocacy groups say that those statements constitute "fearmongering" and that similar ordinances are in place in other cities without compromising safety. They say transgender people often face threats and assaults when using public restrooms.

Wednesday's special session is the second time legislators have returned to Raleigh unexpectedly this year. Last month, the legislature met to approve new congressional districts after a federal court rejected the state's maps. Until now, the General Assembly had not held two special sessions in the same year since 2003.

Hall said Democrats were initially told that this week's special session would take place on Thursday. "We've got a lot caught off guard, and people are scrambling trying to come back," he said.

Governors typically call special sessions, but Gov. Pat McCrory refused to call Wednesday's session because he was concerned the legislature would go beyond addressing the Charlotte ordinance.

That meant legislative leaders opted for a rarely used law that allows special sessions when three-fifths of legislators in both chambers support the call. That provision in the state constitution hasn't been used since 1981, according to Forest's chief of staff, Hal Weatherman.

In the Senate, 31 Republicans backed the session. Only three GOP senators didn't: Sen. Tom Apodaca of Hendersonville, Sen. Tamara Barringer of Cary and Sen. Fletcher Hartsell of Concord.

All House Republicans except Rep. Charles Jeter of Mecklenburg County and Rep. Chuck McGrady of Hendersonville backed the call to session.

Colin Campbell: 919-829-4698, @RaleighReporter

SPECIAL LEGISLATIVE SESSIONS

Here's what's prompted lawmakers to schedule the most recent special sessions:

March 2016: Transgender bathroom use

February 2016: Congressional redistricting

2008: Expelling a House member accused of fraud

2004: Tax breaks and incentives for a Dell computer plant

2003: Economic development incentives

2003: Redistricting

2002: Redistricting

2000: Shielding tobacco companies from a class-action lawsuit

1999: Hurricane Floyd disaster relief funding

1998: Improvements to health insurance

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- NC lawmakers convening in attempt to void Charlotte's LGBT ordinance
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MORE POLITICS & GOVERNMENT

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EXHIBIT S

Transcript of Audio Excerpt

Proceedings of the N.C. House of Representatives
2d Extra Sess., 1st Legis. Day
March 23, 2016
0:10:00 to 0:11:09

Available at: <http://www.ncleg.net/DocumentSites/HouseDocuments/2015-2016%20Session/Audio%20Archives/2016/03-23-2016.mp3>

[Beginning of excerpt.]

SPEAKER TIM MOORE: The Chair directs that a message be sent to the Senate informing that honorable body that the 2015 House of Representatives is organized and ready to proceed with public business for the 2016 Second Extra Session.

[Pause in proceedings.]

SPEAKER TIM MOORE: House will be at ease just a moment.

[Pause in proceedings; inaudible discussion.]

SPEAKER TIM MOORE: Members, it appears, in just a moment we will be reading in our bill to be taken up. The Chair believes that members are doing a final review, so we're going to be at ease just for that purpose. It is the intention of the Chair, for your planning purposes, once this bill is read in, that it will be referred to the Judiciary IV committee, and that the J-IV committee will be meeting five minutes after recess. And given where we are, the Chair would intend to either call us back at 11:15 or 11:30 to take up the bill on the House floor.

[End of excerpt.]

Declaration of Luke C. Platzer

EXHIBIT T

POLITICS & GOVERNMENT MARCH 24, 2016 7:06 PM

Triangle governments scramble to decipher law's impact

HIGHLIGHTS

Questions remain regarding scope of employment provisions

The speed of bill's passage means that few local officials have read it in detail

Some see legislature as preempting local authority

BY HENRY GARGAN

hgargan@newsobserver.com

RALEIGH — The day after House Bill 2 was introduced, approved and signed into law, the Triangle's municipal governments spent Thursday scrambling to figure out how it might affect the way they conduct business.

Passed in a special session called Wednesday by the General Assembly's Republican leadership, the bill prohibits public agencies, including towns and schools, from allowing people to use restrooms and changing rooms other than those that correspond with the sex they were assigned at birth.

It also bans local and county governments from imposing upon employers non-discrimination requirements that include sexual orientation, gender identity, or any other criteria not listed in the bill. Local governments beginning to interpret that provision are now trying to determine whether that ban applies to their own hiring practices.

No local governments in the state currently include sexual orientation or gender identity as criteria in their regulation of private employment. But several – including Carrboro, Chapel Hill and Raleigh – include sexual orientation and gender identity in policies dealing with the hiring of municipal employees. Orange County's hiring policy includes sexual orientation but not gender identity.

Scott Mooneyham of the N.C. League of Municipalities said the immediate effects of the bill's employment provisions could vary depending on how it is ultimately interpreted. Those effects would be minimal if the bill is found not to apply to municipal governments'

hiring practices, he said.

“

I THINK IT'S AWFULLY EARLY FOR A BILL THAT'S ONLY BEEN OUT THERE FOR 24 HOURS FOR PEOPLE TO BE COMING TO THESE CONCLUSIONS ABOUT WHAT THIS MEANS.

Scott Mooneyham of the North Carolina League of Municipalities

“I think it's awfully early for a bill that's only been out there for 24 hours for people to be coming to these conclusions about what this means,” he said, referring to LGBT advocates' claims that the bill undoes local governments' hiring policies.

A statement from advocacy group Equality NC on Wednesday claimed 17 North Carolina municipalities, as well as the UNC system, could have their non-discrimination policies nullified.

“The reality of the situation is that there were literally five minutes given in the House committee to read the bill,” said Chris Sgro, Equality NC's executive director. “The (League of Municipalities) is evaluating that right now, and the League is who I trust to make that call.”

Carrboro Town Alderman Damon Seils, who is openly gay, said Carrboro has often included language in town contracts prohibiting discrimination on those bases, something the new law seems to disallow in Section 2.3. Raleigh's non-discrimination policy also applies to contractors, though it includes a deference to state and federal law in those cases.

Representatives of Apex, Cary, Rolesville, Knightdale, Garner and Morrisville said they had not analyzed the bill in enough detail to comment, but that they were not aware of local ordinances inconsistent with the new law.

The General Assembly called Wednesday's special session in response to a Charlotte ordinance allowing transgender individuals to use the restroom of their choice. But the bill, in limiting non-discrimination ordinances to the criteria it listed, might have had consequences unrelated to that motive. Article IV of Orange County's 1994 civil rights

ordinance, which prohibits employment discrimination based on, among other things, veteran or family status, might now be in conflict with HB 2, which does not include those criteria as protected categories.

Official responses

Despite ongoing efforts to interpret the bill's effects, some local governments are already taking action against it.

Carrboro's Board of Alderman announced Thursday that it would hold a special session at 1 p.m. Saturday to pass a resolution opposing HB 2. Mayor Lydia Lavelle, the state's only openly gay mayor, said it was disheartening to see the bill pass. She would support Carrboro passing a resolution in support of Charlotte's ordinance or even joining a legal challenge, she said.

"We need to discuss the message that this sends to LGBT North Carolinians, who see their state leaders coming into special session specifically to discriminate against them," Seils, the Carrboro alderman, said. "It's legislative bullying, and we can't stand for it."

“

I FELT SICK TO MY STOMACH THIS MORNING. I THINK THAT THIS GOES AGAINST WHAT WE IN CHAPEL HILL STAND FOR AND WHAT OUR SHARED VALUES ARE.

Jessica Anderson, Chapel Hill Town Council

A resolution supporting Charlotte may be under way in Chapel Hill, Town Council member Jessica Anderson said.

"I felt sick to my stomach this morning," Anderson said. "I think that this goes against what we in Chapel Hill stand for and what our shared values are."

Concerns of overreach

Even in some cities and towns where HB 2 is unlikely to force any sort of immediate change, officials said they were concerned with what Morrisville Mayor Mark Stohlman called a "theme" of legislative involvement in local government.

“Our biggest concern is with the preemption of local authority,” said Lana Hygh, Cary’s intergovernmental relations director. “Our town council believes that local decisions should be made locally.”

Durham Councilman Charlie Reece, in an email, called the law “an unprecedented usurpation of local control on the part of Republican extremists in the General Assembly.”

Mooneyham, whose organization represents the interests of local governments across the state, questioned the legislature’s decision to prohibit local minimum wage ordinances in the law, especially since he said he wasn’t aware of any local governments in the state that had tried to implement one.

“(The League of Municipalities) certainly always has and always will be for local control,” Mooneyham said. “We feel like local citizens and local elections should have consequences.”

Staff writers Tammy Grubb, Johnny Whitfield, Jonathan Alexander and Chris Cioffi contributed to this report.

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EXHIBIT U

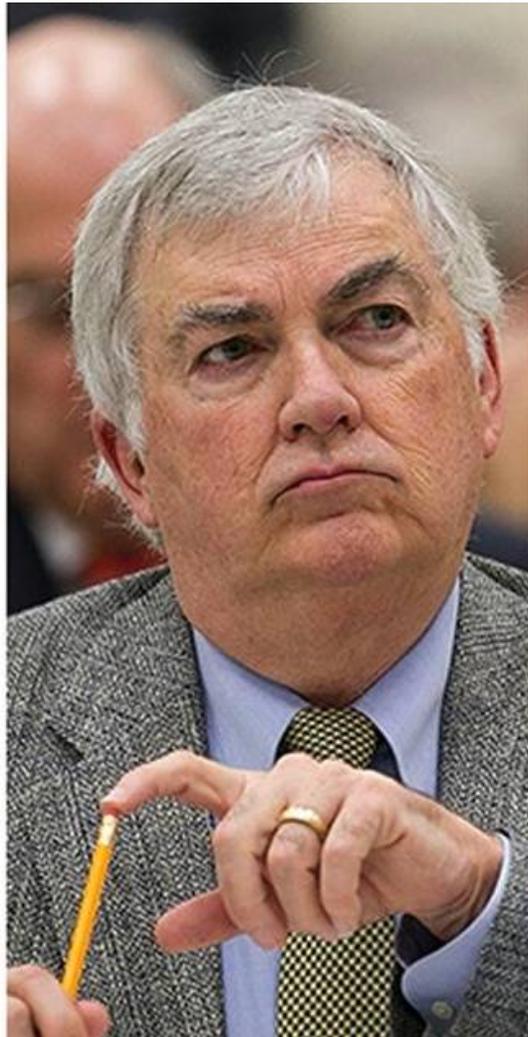
LOCAL MARCH 23, 2016 5:48 PM

N.C. Gov Pat McCrory signs into law bill restricting LGBT protections

HIGHLIGHTS

Democratic senators walk out in protest

All new LGBT protections would be invalidated



< 1 of 8 >



BY STEVE HARRISON

sharrison@charlotteobserver.com

RALEIGH — The N.C. General Assembly on Wednesday approved a bill that invalidates Charlotte's new legal protections for LGBT individuals, doing far more than striking down a controversial provision that allowed transgender people to use the bathroom of the gender with which they identify. Gov. Pat McCrory signed it into law hours later.

The vote in the House was 84-25 after three hours of debate, with all Republicans voting for it and 11 Democrats breaking ranks with their party to support the bill.

In the Senate, the vote was 32-0 after the Democrats walked out in protest, saying they had not been allowed to participate in the process.

“We witnessed an affront to democracy,” said Democratic Sen. Dan Blue of Raleigh, the minority leader. “We will not be silent.”

Last year in Indiana, there was a nationwide uproar over a “Religious Freedom” law that critics said would make it easy for businesses to discriminate against gays and lesbians. Critics of the North Carolina bill, which passed in a one-day special session, said it was perhaps the most “anti-LGBT legislation” in the nation.

Dana Fenton, the city of Charlotte's lobbyist, said the bill would invalidate the city's newly expanded nondiscrimination ordinance, passed in a 7-4 City Council vote in February. He said he believes the state's largest employers would have lobbied the governor to veto it.

The full bill wasn't made public until Wednesday morning. Until then, it was unclear whether the legislators would target only the bathroom provision, or whether they would go further and strike down the rest of the ordinance.

The impetus of the special session was a provision in Charlotte's expanded nondiscrimination ordinance that would allow transgender individuals to use the bathroom that corresponds to the gender with which they identify. Critics said it was “social engineering” to allow people born as biological males into women's restrooms. They said legislation was needed to correct Charlotte's “overreach” and to protect the safety of women and children.

The bill prohibits any such bathroom flexibility.

But it also will keep Charlotte and any other municipality from adding new protections for gays, lesbians or transgender individuals.

In North Carolina today, there are no legal protections for gays and lesbians. That means a private business in Charlotte or anywhere else in the state can refuse to serve someone who is gay, and a bakery could refuse to make a cake for a wedding of a gay couple.

In Charlotte, that would have changed as of April 1, when the expanded ordinance was scheduled to go into effect.

The only protected classes recognized by the state will be race, color, national origin and biological sex.

McCrory, a Republican, had said he opposes the provision in Charlotte's ordinance that allows transgender people to use a men's or women's bathroom. But he declined to call the special session, saying he was worried legislators would go beyond eliminating the bathroom flexibility.

After the bill passed, the governor had 30 days to sign the bill or issue a veto. He signed it late Wednesday.

McCrory's Democratic opponent, Attorney General Roy Cooper, called the law discriminatory.

"Discrimination is wrong, period," he said. "That North Carolina is making discrimination part of the law is shameful. It will not only cause real harm to families, but to our economy as well."

State Rep. Dan Bishop, a Charlotte Republican who sponsored the bill, said the legislature likely would not have convened had Charlotte passed a nondiscrimination ordinance that included protections for LGBT individuals but didn't allow for the bathroom flexibility.

"We might not be here today," he said.

But when asked why the bill does more than strike down the bathroom flexibility, Bishop said it made sense to keep the state in line with the protected classes recognized by the federal government. There is no federal civil rights legislation that protects LGBT individuals.

Bishop and other legislators said some cities – such as New York – have created numerous new protected classes, which have become too cumbersome on business.

During the debate, Bishop said a "handful of radicals" on the City Council passed the legislation, which he said was a "subversion of the rule of law."

During a committee meeting Wednesday morning, Bishop said a business that allows transgender individuals to use a men's or women's restroom wouldn't be affected. The business could continue with that internal policy, he said.

But a business could not be required by ordinance to make accommodations for someone who is transgender.

The law also prohibits K-12 public schools, and publicly funded universities and colleges from having multistall transgender bathrooms. Critics said that could jeopardize federal funding for education.

The only transgender people who will be exempt are those who had the sex on their birth certificate legally changed.

One opponent of the bill told senators that the legislation would have unintended consequences. The speaker asked them to consider the case of someone born as a female, but who now identifies as a man, with a beard made possible through hormones. That person will be required to use a women's bathroom.

State Rep. Tricia Cotham, a Matthews Democrat, said legislators shouldn't be involved.

"This time, we are here to meddle in the affairs of local government and disrespect local leaders," she said. "This is to advance some political careers and tarnish other political careers."

A Senate committee Wednesday began discussing the bill. A proposed amendment to add sexual orientation and gender identity to the list of protected classes failed.

"We came here to undo what happened in one county," said Sen. Warren Daniel, a Republican from Morganton, who voted against the amendment. "We would extend that across the state?"

Sen. Buck Newton, a Wilson Republican who is running for attorney general, said legislators were responding to "thousands and thousands" of emails and phone calls.

"The city of Charlotte knew they didn't have the authority to do this," he said. "They wanted to do it anyway."

Under the new law, the city of Charlotte can continue an internal policy prohibiting LGBT discrimination for its own employees.

The law also prohibits cities and towns from enacting a minimum wage in their jurisdictions. That prohibition already existed.

COLIN CAMPBELL AND CRAIG JARVIS OF THE (RALEIGH) NEWS & OBSERVER CONTRIBUTED.

Steve Harrison: 704-358-5160, @Sharrison_Obs

RELATED CONTENT

Declaration of Luke C. Platzer

EXHIBIT V

McCrorry signs bill blocking LGBT protections

ASSOCIATED PRESS | Posted: Wednesday, March 23, 2016 10:56 pm

RALEIGH (AP) — North Carolina legislators decided to rein in local governments by approving a bill Wednesday that prevents cities and counties from passing their own anti-discrimination rules. The legislation, signed into law later by Gov. Pat McCrorry, dealt a blow to the LGBT movement after success with protections in cities across the country.

The Republican-controlled General Assembly took action after Charlotte city leaders last month approved a broad anti-discrimination measure that allows transgender people to use the restroom aligned with their gender identity. Gov. McCrorry signed the bill into law Wednesday night, said Josh Ellis, the governor's communications director. Gov. McCrorry, who was the mayor of Charlotte for 14 years, has criticized the local ordinance.

Although 12 House Democrats joined all Republicans present in voting for the bill in the afternoon, later all Senate Democrats in attendance walked off their chamber floor during the debate in protest. Remaining Senate Republicans gave the legislation unanimous approval.

"We choose not to participate in this farce," Senate Minority Leader Dan Blue of Raleigh said after he left the chamber.

Senate leader Phil Berger of Eden said he couldn't recall such an action before a vote, which he said was a "serious breach of their obligation to the citizens that voted to elect them."

Republicans and their allies have said intervening is necessary to protect the safety of women and children from "radical" action by Charlotte. There have been arguments that any man — perhaps a sex offender — could enter a woman's restroom or locker room simply by calling himself transgender.

"It's common sense — biological men should not be in women's showers, locker rooms and bathrooms," said GOP Rep. Dean Arp of Monroe before the chamber voted 82-26 for the legislation after nearly three hours of debate.

Gay rights leaders and transgender people said the legislation demonizes the community and espouses bogus claims about increasing the risk of sexual assaults. They say the bill will deny lesbian, gay, bisexual and transgender people essential protections needed to ensure they can get a hotel room, hail a taxi or dine at a restaurant without fear.

"Protections for LGBT people against discrimination are common sense," Chris Sgro, executive director of Equality North Carolina, said in a release after the vote. Advocates had hoped to pressure Gov. McCrorry into vetoing the bill, beginning with a Thursday evening rally.

GOP leaders scheduled the one-day session at the cost of \$42,000 because Charlotte's ordinance was

set to take effect Friday, April 1. Otherwise, the legislature wouldn't have returned until late April.

Current Charlotte Mayor Jennifer Roberts, who pressed since taking office to get the anti-discrimination ordinance approved, said she was appalled by the legislature's actions.

"The General Assembly is on the wrong side of progress. It is on the wrong side of history," Ms. Roberts said in a prepared statement.

The bill bars local governments statewide from prohibiting discrimination in public places based on sexual orientation and gender identity. It directs all public schools, government agencies and public college campuses to require bathrooms or locker rooms be designated for use only by people based on their biological sex. They can offer single-occupancy facilities.

Transgender people who have transitioned to the opposite sex wouldn't be affected if they get their birth certificate changed.

Democrats said the bill makes North Carolina less inclusive and interferes with local governments. They say the state could also risk billions in federal education dollars with the school policy.

"This is really not about bathrooms," said Democratic Rep. Rodney Moore of Charlotte. "This is about fear."

Ordinance supporters and opponents spoke to legislators in House and Senate committees, telling of their personal stories and fears. They included Skye Thompson, 15, of Greenville, who was born female but now identifies as male. He told senators they were putting him in danger by requiring use of a women's restroom.

"I've dealt with bullying my whole life and now I worry that my own state lawmakers are bullying me as well. I feel bullied by you guys," Mr. Thompson said.

Donna Eaton of Cary said everybody deserves to be treated with dignity and respect but is worried that without Wednesday's bill "it's going to open the door for people with malicious intent who would masquerade as transgenders to come in and actually take advantage and have access to our kids."

In a video, Democratic Attorney General Roy Cooper, who is running for governor against Gov. McCrory, called Wednesday's actions "shameful" and "unprecedented" and said they could hurt the state's economy.

Russell Peck, the governor's campaign manager, in turn accused Mr. Cooper of supporting "forcing women and young girls to use the same restrooms and locker rooms as grown men."

Legislation requiring transgender students to use bathrooms corresponding with their birth gender have failed recently. South Dakota's legislature failed to override Gov. Dennis Daugaard's veto and a similar bill in Tennessee bill died Tuesday.

The bill also would also make clear local governments can't require area businesses to pay workers above the current minimum wage, with some exceptions.

Declaration of Luke C. Platzer

EXHIBIT W



the **two-way**

AMERICA

North Carolina Passes Law Blocking Measures To Protect LGBT People

March 24, 2016 · 11:29 AM ET

CAMILA DOMONOSKE



On Wednesday, North Carolina Gov. Pat McCrory signed into law a bill blocking anti-discrimination rules that would protect gay and transgender people. Above, McCrory speaks during the Wake County Republican convention at the state fairgrounds in Raleigh on March 8.

Al Drago/CQ Roll Call

The North Carolina state Legislature has passed a law blocking local governments from passing anti-discrimination rules to grant protections to gay and transgender people.

The law comes a month after the city of Charlotte passed a measure protecting gay, lesbian, bisexual and transgender people from being discriminated against by businesses.

That measure was set to go into effect on April 1.

The state's General Assembly wasn't due to meet until late April, but it scheduled a special session — for the first time in 35 years, member station WUNC reports — on Wednesday to respond to the Charlotte measure before it went into effect.

Over the course of 12 hours, the state legislators introduced, debated and passed the bill, and Gov. Pat McCrory signed it into law.

The new law establishes a statewide nondiscrimination ordinance that explicitly supersedes any local nondiscrimination measures. The statewide protections cover race, religion, color, national origin and biological sex — but not sexual orientation or gender identity.

Time Warner, Others Join Disney In Opposing Georgia's 'Religious Liberty' Bill March 24, 2016

WFAE's Tom Bullock noted a possible implication of those categories: "Since religion is a protected class, and the definition of religion is broad enough, this could be a kind of backdoor religious freedom restoration act — allowing businesses the right to refuse to serve customers based on the owner's religious beliefs."



THE TWO-WAY

South Dakota Governor Vetoes Bill Stipulating Transgender Students' Bathroom Use



IT'S ALL POLITICS

Did You Know It's Legal In Most States To Discriminate Against LGBT People?

One word dominated the debate over the bill and the Charlotte ordinance before it: "bathroom."

Charlotte already protected residents from discrimination based on race, age, religion and gender. On Feb. 22, the city council voted to expand those protections to apply to sexual orientation and gender identity, too.

The most controversial element of Charlotte's expanded ordinance was the fact that it would allow trans people to use the bathrooms that correspond with their gender identity.

Opponents argued this would make bathrooms unsafe for women and children. WFAE's Sarah Delia, reporting on NPR in February, spoke to Pam Burton of Charlotte.

Listen: North Carolina Debates Transgender Rights

Listen · 3:40

Queue



"I'm not scared of transgenders. That's not what I think the problem is. Sexual predators are not good people," Burton said. "They don't do the right thing. They're going to see this ordinance as a golden opportunity for fresh victims — our children. My 16-year-old daughter swims at The Y year-round. I'm not going to be able to confidently continue to allow her to use that locker room if this passes."

Charlotte resident Lara Nazario, a trans woman, said critics of the measure have it backward. The idea that it would be dangerous to defend trans people's rights to use the bathroom of their gender identity "is opposite to the reality that I live in," Nazario said.

It's forcing trans people to use the bathroom of the opposite gender that is dangerous, she said:

"If I were to walk into a men's bathroom, I would either be told that I'm in the wrong

bathroom or I'd be outed as a transgender woman. This can often lead to violence or harassment, especially when there's no protection in place for people like me."

The Charlotte nondiscrimination ordinance extends protections to LGBT customers at bars, restaurants and stores, and in taxis. The heated debate over trans access to restrooms led to it being labeled by some as the "bathroom ordinance."

And North Carolina's response, in turn, is being called the "bathroom bill."

The law opens by requiring all government-controlled facilities — including schools and universities — to assign all multiple-occupancy bathrooms and locker rooms to a single sex and prevent anyone who doesn't match that biological sex from using the facility.

It later declares nondiscrimination "an issue of general, statewide concern," and says local jurisdictions can't craft their own nondiscrimination measures.



U.S.

'Patchwork Of Protection' In Rural Areas For LGBT Community Has Limits

That nullifies Charlotte's ordinance — as well as existing LGBT nondiscrimination ordinances in a half-dozen other jurisdictions in North Carolina, WFAE reports. It also blocks any other city or local government from extending such protections to LGBT residents in the future.

Biogen, which employs more than 1,000 people in North Carolina's Research Triangle, and the Dow Chemical Co. have both tweeted their objections, as employers, to the new law.

The law bars local governments from passing other ordinances, as well.

Again, WFAE's Tom Bullock, from the station's extensive coverage during the bill's debate and passage yesterday:

"The bill would bar cities or counties from imposing their own minimum wage. So any move to establish a local minimum wage higher than the \$7.25 an hour federal minimum wage would be a nonstarter. This has been done by other cities such as Seattle, which is phasing in a \$15 an hour minimum wage.

"Cities and counties often have employment rules for companies seeking contracts. This bill also bars counties or municipalities from requiring these companies to pay a higher minimum wage in order to qualify for contracts. ... This provision also bars requirements like companies provide paid sick leave."

The bill passed the Republican-controlled General Assembly 82-26 in the House, and 32-0 in the Senate.

Gov. McCrory, after signing the bill late Wednesday, described the bill's passage as "bipartisan." But The Associated Press notes:

"Although 12 House Democrats joined all Republicans present in voting for the bill in the afternoon, later all Senate Democrats in attendance walked off their chamber floor during the debate in protest. Remaining Senate Republicans gave the legislation unanimous approval.

" 'We choose not to participate in this farce,' Senate Minority Leader Dan Blue of Raleigh said after he left the chamber."

McCrory also said he was acting to protect citizens' privacy, and criticized the Charlotte ordinance as "government overreach and intrusion."

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EXHIBIT X



State of North Carolina

PAT McCRORY
GOVERNOR

April 12, 2016

EXECUTIVE ORDER NO. 93

TO PROTECT PRIVACY AND EQUALITY

WHEREAS, North Carolina's rich legacy of inclusiveness, diversity and hospitality makes North Carolina a global destination for jobs, business, tourists and talent;

WHEREAS, it is the policy of the Executive Branch that government services be provided equally to all people;

WHEREAS, N.C. Gen. Stat. § 160A-499.2 permits municipalities to adopt ordinances prohibiting discrimination in housing and real estate transactions, and any municipality may expand such ordinance consistent with the federal Fair Housing Act;

WHEREAS, N.C. Gen. Stat. § 143-422.2(c) permits local governments or other political subdivisions of the State to set their own employment policies applicable to their own personnel;

WHEREAS, North Carolina law allows private businesses and nonprofit employers to establish their own non-discrimination employment policies;

WHEREAS, N.C. Gen. Stat. § 143-128.2 requires each city, county or other local public entity to adopt goals for participation by minority businesses and to make good faith efforts to recruit minority participation in line with those goals;

WHEREAS, North Carolina law allows a private business or nonprofit to set their own restroom, locker room or shower policies;

WHEREAS, our citizens have basic common-sense expectations of privacy in our restrooms, locker rooms and shower facilities for children, women and men;

WHEREAS, to protect expectations of privacy in restrooms, locker rooms and shower facilities in public buildings, including our schools, the State of North Carolina maintains these facilities on the basis of biological sex;

WHEREAS, State agencies and local governments are allowed to make reasonable accommodations in restrooms, locker rooms and shower facilities due to special individual circumstances;

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Public Services

In the provision of government services and in the administration of programs, including, but not limited to public safety, health and welfare, public agencies shall serve all people equally, consistent with the mission and requirements of the service or program.

Section 2. Equal Employment Opportunity Policy for State Employees

I hereby affirm that the State of North Carolina is committed to administering and implementing all State human resources policies, practices and programs fairly and equitably, without unlawful discrimination, harassment or retaliation on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity, age, political affiliation, genetic information, or disability.

I also affirm that private businesses, nonprofit employers and local governments may establish their own non-discrimination employment policies.

Section 3. Restroom Accommodations

In North Carolina, private businesses can set their own rules for their own restroom, locker room and shower facilities, free from government interference.

Under current law, every multiple occupancy restroom, locker room or shower facility located in a cabinet agency must be designated for and only used by persons based on their biological sex. Agencies may make reasonable accommodations upon a person's request due to special circumstances.

Therefore, when readily available and when practicable in the best judgment of the agency, all cabinet agencies shall provide a reasonable accommodation of a single occupancy restroom, locker room or shower facility upon request due to special circumstances.

All council of state agencies, cities, counties, the University of North Carolina System and the North Carolina Community College System are invited and encouraged to make a similar accommodation when practicable.

Section 4. State Buildings and Facilities Leased to Private Entities

The Department of Administration shall interpret the application of N.C. Gen. Stat. § 143-760 as follows:

When a private entity leases State real property and the property in the lessee's exclusive possession includes multiple occupancy restrooms, locker rooms or other like facilities, the private entity will control the signage and use of these facilities.

All council of state agencies, cities, counties, the University of North Carolina System and the North Carolina Community College System are invited and encouraged to adopt a similar interpretation of N.C. Gen. Stat. § 143-760.

Section 5. Human Relations Commission

Pursuant to N.C. Gen. Stat. § 143B-391, the Human Relations Commission in the Department of Administration shall promote equality and opportunity for all citizens.

The Human Relations Commission shall work with local government officials to study problems and promote understanding, respect and goodwill among all citizens in all communities in North Carolina.

The Human Relations Commission shall receive, investigate and conciliate fair housing, employment discrimination and public accommodations complaints.

The Human Relations Commission shall submit an annual report by April 1st to the Governor detailing the number of complaints received, the number of investigations completed, and the number of conciliations in the preceding calendar year. This report shall also describe any education and outreach efforts made by the Commission in that same calendar year.

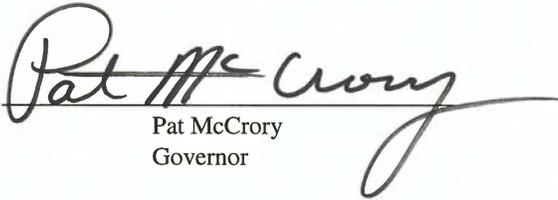
Section 6. State Cause of Action for Wrongful Discharge

I support and encourage the General Assembly to take all necessary steps to restore a State cause of action for wrongful discharge based on unlawful employment discrimination.

Section 7. State or Federal Law

Nothing in this section shall be interpreted as an abrogation of any requirements otherwise imposed by applicable federal or state laws or regulations.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twelfth day of April in the year of our Lord two thousand and sixteen.


Pat McCrory
Governor



ATTEST:


Elaine F. Marshall
Deputy Secretary of State

Declaration of Luke C. Platzer

EXHIBIT Y

UNDER THE DOME APRIL 29, 2016 11:58 AM

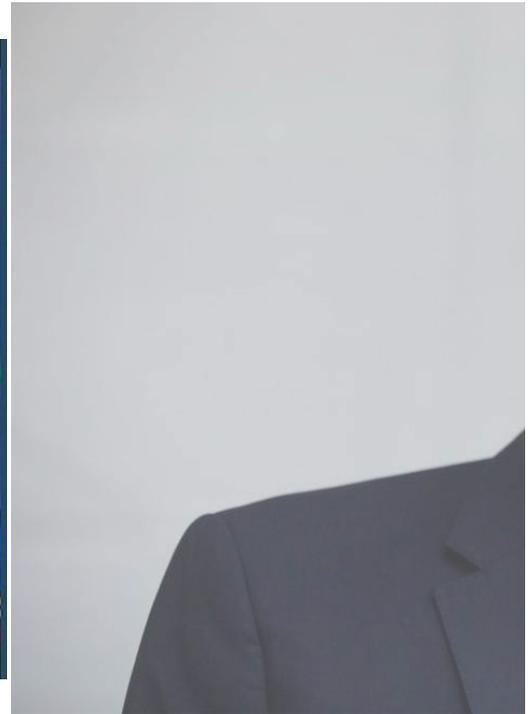
McCrorry distances himself from sexual predator claims backing House Bill 2

HIGHLIGHTS

Governor: 'I don't like the rhetoric that's used on the right saying what the fear is'

McCrorry says House Bill 2 is instead about protecting 'privacy'

Comment on Fox contradicts an earlier statement by the governor



< 1 of 2 >



BY COLIN CAMPBELL
ccampbell@newsobserver.com

Gov. Pat McCrorry defended House Bill 2 on Megyn Kelly's Fox News Channel show Thursday night, and he argued that the law is more about bathroom privacy than about fears of sexual predators in bathrooms.

Kelly pressed McCrorry about claims that a Charlotte nondiscrimination ordinance - which House Bill 2 overturned March 23 - would have made it easier for "molesters" to commit crimes in bathrooms.

"I don't use that term," the governor said. "Mine is not a fear. I'm not doing it, and I don't like the rhetoric that's used on the right saying what the fear is.

"It's the basic expectation of privacy that I hear from moms and dads and families, that when their daughter or son goes into a facility, a restroom, they expect people of that gender, of that biological sex or gender, to be the only other ones in that. That's the expectation that we've had for many, many years."

ADVERTISING

That comment appears to put McCrory’s latest views on House Bill 2 at odds with other supporters of the law. In a campaign ad this week, Lt. Gov. Dan Forest makes the predator claim that McCrory said he’s “not doing.”

[Find more coverage of NC’s House Bill 2]

“If keeping men out of women’s showers and bathrooms protects just one child or one woman from being molested or assaulted, then it was worth it,” Forest says in the ad.

McCrory’s comment on Fox News is also at odds with earlier statements he made about the Charlotte ordinance. When the governor suggested in February that the legislature probably would take action on the bathroom provision, he raised the safety issue in an email to Charlotte City Council members.

“This shift in policy could also create major public safety issues by putting citizens in possible danger from deviant actions by individuals taking improper advantage of a bad policy,” he wrote on Feb. 21.

McCrory spokesman Josh Ellis sent an email Friday explaining the conflicting statements.

“Megyn was basically asking if transgender people were molesters,” Ellis said. “That’s what the governor was responding to. The governor was making it clear that he doesn’t use those terms to describe transgender people.”

PolitiFact North Carolina recently reviewed the claims made about safety and found no instances where criminals used transgender-friendly ordinances and laws as legal cover for sex crimes.

Watch the full interview below:



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FOX NEWS SUNDAY

Manafort on Trump's fight to rally GOP, defeat Democrats; Gov. McCrory on showdown over NC's transgender bathroom law

Published May 08, 2016 2 11
FoxNews.com

This is a rush transcript from "Fox News Sunday," May 8, 2016. This copy may not be in its final form and may be updated.

CHRIS WALLACE, FOX NEWS ANCHOR: I'm Chris Wallace.

With exactly six months to Election Day, Donald Trump will be the Republican nominee. But can he unite the party?

(BEGIN VIDEOTAPE)

DONALD TRUMP, R-PRESIDENTIAL CANDIDATE: We want to bring unity to the Republican Party. We have to bring unity.

REP. PAUL RYAN, R-WIS., SPEAKER OF THE HOUSE: Saying we're unified doesn't in and of itself unify us.

TRUMP: I didn't get Paul Ryan. I don't know what happened.

The only important thing is the unification of the people.

WALLACE: We'll talk with senior adviser Paul Manafort about Trump's fight to rally the party and defeat the Democrats in November.

Then, a showdown between the feds and North Carolina over the legality of its transgender bathroom law.

GOV. PAT MCCRORY, R-NORTH CAROLINA: This conclusion by the Department of Justice impacts every state, every university and almost every employer in the United States of America.

WALLACE: We'll ask North Carolina Governor Pat McCrory whether he'll defy tomorrow's deadline. It's a "Fox News Sunday" exclusive.

Plus, a Navy SEAL is killed in a firefight with ISIS in Iraq. We'll ask our Sunday panel about the U.S. military's deepening role there.

And our power player of the week: the dish on the designer who has dressed both leading ladies and their tables.

Why would somebody spend \$400 for a plate?

UNIDENTIFIED FEMALE: Because they love it.

WALLACE: All right now on "Fox News Sunday."



(END VIDEOTAPE)

WALLACE: Hello again and happy Mother's Day from Fox News in Washington.

Well, Donald Trump had barrel put away the competition this week and become the almost certain Republican nominee when a new fight broke out within the GOP. Some top Republicans said they won't vote for Trump and House Speaker Paul Ryan held off on endorsing him.

Joining me now is Donald Trump's senior adviser Paul Manafort.

Paul, let's start with Paul Ryan's comments this week that he's not ready, as he put it, to endorse Trump, and that it's basically on your candidate to unify the party. Here is Paul Ryan.

(BEGIN VIDEO CLIP)

RYAN: I think there's work that needs to be done in order to unify the party. I think our nominee, our presumptive nominee needs to do that. I want to be a part of helping him do that. But right now, no, I think that, you know, there's some work to do here.

(END VIDEO CLIP)

WALLACE: How seriously does Trump take this split within the party and how far is he willing to go when he meets with Paul Ryan later this week to try to repair the split?

PAUL MANAFORT, TRUMP STRATEGIST: I think you need to put things into context here. A week ago you had Republican leaders in Washington, so many, saying that there was going to be a contested convention. And last Tuesday night in Indiana, a state Trump was supposed to lose, he had an overwhelming victory and the race ended. It ended much sooner than anybody expected except maybe the people supporting Donald Trump who knew he was on to something.

So, Washington was in a little bit of an uncertain phase and still is but it's a healing process. It's a healing process that will happen over time and frankly the media's expectations that the day after the Indiana primary and everybody got out of the race everything was going to come together in one moment, it was unrealistic.

Trump understands this. What's important to him is that he unifies the party, that he unifies the voters and then he unifies the Republican Party.

Remember, he ran as an outsider, he ran as somebody who was representing the people's interests who were frustrated with the gridlock in Washington. He wasn't a candidate of the leaders. And so, to expect everything to come together the day after the primary process ended, it was a bit unrealistic. But frankly, I'm very pleased to say that it's happening even faster than we thought.

I mean, many of the candidate who ran against him and there were 16, are now moving behind him, endorsing his candidacy expressing support for it. Party leadership in the Congress as well as members of Congress is coming together. The governors are coming together.

WALLACE: Paul --

MANAFORT: So, I mean, the process is happening faster than we thought.

WALLACE: Paul, does evening that it's important that the party be unified going forward?

MANAFORT: Well, he thinks it's important that the country be unified and that his appeal be presented in such a way that his message is clear. But, of course, he is the head of the Republican Party, he wants the party to get behind him and support him.

There has never been a candidate -- a nominee for president of the United States who had every Republican supporting him and everybody accepting every single position of a presidential candidate. Ronald Reagan had the same issues when he was trying to put the party together in 1980.

So it's a process. It will be fine. We've got plenty of time now. There will be no contested convention. We have plenty of time to put the party together.

And I think you're going to see a successful, united party in Cleveland, and they'll be ready to take on Hillary Clinton.

WALLACE: But, Paul, there are real differences between Trump and Ryan. Ryan is said to be offended by some of the things that your candidate has said about women and Muslims and Hispanics. There are substantive differences on issues like trade and entitlement reform.

How far is Trump willing to go to sign on to the agenda of Paul Ryan?

MANAFORT: Well, let's make something very clear. Donald Trump just won a Republican primary. He won it overwhelmingly.

The largest turnouts in the history of Republican voters in all of the primaries and he is the historic leader now of getting votes as a Republican nominee. So, it's his agenda that has just been cemented as what the American people or at least Republicans and independents who voted for him want.

There will be a process. There will be meetings of minds. There's a lot that unites the leadership in the Congress as well as Donald Trump.

But the important thing to remember is the national titular head of the party is the nominee of the Republican Party. He just won that overwhelmingly, faster than anybody in Washington thought and running as an outsider against Washington.

So, his agenda is the people's agenda. He made it very clear. His vision was clear. He articulated it very well. There is no doubts to where he stands.

WALLACE: All right. I want to turn to another subject.

Trump had said that he was not going to go after Hillary Clinton and her personal life unless she went after him. That in effect as he likes to say, he would counter punch. But then yesterday out in Washington state, he went off on Clinton about the way she treated the women that Bill Clinton had had an affair with. Let's put it up.

(BEGIN VIDEO CLIP)

TRUMP: She's married to a man who was the worst abuser of women in the history of politics. Hillary was an enabler and she treated these women horribly. Just remember this. And some of those women were destroyed not by him, but by the way that Hillary Clinton treated them after everything went down.

(END VIDEO CLIP)

WALLACE: First of all, what specifically did Hillary Clinton do to those women?

MANAFORT: Look, this is a clear case. Donald Trump has made it very clear he is not going to allow hypocrisy on the women's issue. He is not going to let Hillary make the case that he is against women and she is this defender of women's rights.

I mean, his business empire is he has put many women in leadership positions, gender, race --

(CROSSTALK)

WALLACE: Respectfully, I asked you, what did -- what did Hillary Clinton do to those women? He says she destroyed their lives. How?

MANAFORT: I will let him speak to it. The point is that, you know, the history is clear, she's an enabler in the past, I will let him speak to those issues.

But the point is he made it very clear he was not going to let hypocrisy exist on a women's issue. He is not anti-women. He is very pro women. He has proven it in his business life and proven it more so than her because he has proven it with actions not words.

And so, for her to go after him on being anti-women, he's going to go back and talk about some of the things that she did that are less than consistent as far as being pro-women.

WALLACE: Trump also this week got into a nasty Twitter war with Democratic Senator Elizabeth Warren. Now, to be fair, she started it. Here's one of her tweets, "Donald Trump has built his campaign on racism, sexism and xenophobia." But Trump fired back, "I hope corrupt Hillary Clinton chooses goofy Elizabeth Warren as her running mate. I will defeat them both."

I guess the question is, Paul, if you're trying to win over women and you do have a problem with women, according to the polls do you really want to take on a fight with two of them, Clinton and Warren?

MANAFORT: He has taken on a fight with two politicians who are using political terms and being hypocrites about it. That's what he's taken a fight on.

As far as women's issues are concerned, that's exactly the point he is making. He is not going to allow Hillary Clinton or Elizabeth Warren to hide behind their sex to make cases that are hypocritical.

WALLACE: And how is Elizabeth Warren being hypocritical? She wasn't involved in the Clinton affairs.

MANAFORT: The statements that she was making there were totally out of bounds and he gave it back to her. If she can't take it, that's her problem.

WALLACE: During the primaries, Trump made a big deal out of the fact that he was self-funding his campaign and also he said that other candidates, almost all of the other candidates who did take money from big donors he said were puppets. Here he is.

(BEGIN VIDEO CLIP)

TRUMP: One of the things we're doing and one of the things I'm doing is I'm self-funding my campaign, so I can't be bought.

(END VIDEO CLIP)

WALLACE: But now, he announced this week that he won't be completely self-funding, that he is going to be raising some money, so does that mean that he can be bought?

MANAFORT: We're talking now about the general election. He made the case very clear that he wanted to be the nominee of the Republican Party with no question as to whose interests he was defending. He was defending the people's interests and they rallied behind that message and he self-funded his campaigns to the tune of millions of dollars.

Now, we are entering into the general election where he is the head of the party and will be electing not just the president, but will be electing senators, congressmen, governors, local council people. It's a united effort.

And the Democrats have said they're going to be spending hundreds of millions of dollars to try and spread lies about Donald Trump and the Republican Party. Trump has said to compete against them he will support the party and the party's efforts to raise money. He won't allow the distorted process which he doesn't agree with, but to be used against other Republicans as well as him.

WALLACE: But just to make it clear, because he named his own not Republican but Trump finance chair, a fellow named Steve Mnuchin, some of that money that's going to be raised, that's going to go to Trump, not to the party, correct?

MANAFORT: It's going to be the presidential campaign of Trump being the head of the ticket of the party. That is correct.

I mean, the point is that Donald Trump is committed to not letting Hillary Clinton be elected president, not letting Nancy Pelosi become speaker of the House, and to not letting Harry Reid and liberal Democrats be in control of the Senate that will allow them to appoint maybe four justices to the Supreme Court and to continue with trade policies that are destroying jobs in America.

So, he is not going to -- he said as head of the party, he has a responsibility now, not just to himself but to the party, to make sure that these disastrous policies of the Democrats never get a chance to be --

WALLACE: But just to be clear, because he's still going to be taking money from big donors, so in that sense forget whether -- I mean, he didn't say I'm not going to be bought in the primaries but I will be bought in the general election. Why is it that he won't be bought if he's taking that money?

MANAFORT: The one you need to look at being pout is look at Hillary Clinton who has been taking money all along, who is giving secret speeches at Goldman Sachs and other places, that's who you need to talk about being bought.

Donald Trump has proven in the primary process he put his money where his mouth is. He was elected or nominated to be the Republican nominee by the people based on a self-funded campaign. And his interests now are united only with the Republican Party against the liberal agenda of the Democratic Party.

WALLACE: A pro-Clinton super PAC is already running web videos that are contrasting Trump's campaign promises with his actual business practices. Here is a clip.

(BEGIN VIDEO CLIP, PRO-CLINTON SUPER PAC)

DONALD TRUMP, R-PRESIDENTIAL CANDIDATE: Washington is broken.

The truth is I'm doing damn well in life, but if you're going to achieve anything you have to take action.

Until now, you could only enjoy steaks of this quality in one of my resort --

That's going to change quickly. We'll cut taxes for the middle class, negotiate new trade deals.

We're going to teach you business. We're going to teach you life.

(END VIDEO CLIP)

WALLACE: Now, that group, Priorities USA, has reserved \$90 million in TV time between now and the general election to run a series of ads, not web videos, but ads on television and it's pretty clear, I think you would agree, Paul, that they're going to go after Trump the same way that the Democrats and Obama went after Mitt Romney in 2012, which is to say he got rich while exploiting the little guy.

And the question I have is, when they go after Trump's bankruptcies and Trump University, how is Trump going to handle that?

MANAFORT: Look, Donald Trump's businesses employ hundreds of thousands of people that you call the little people.

WALLACE: I called them the little guy. I mean --

MANAFORT: The little guy.

I mean, the point is, you know, he's got a record of creating jobs for people, of helping people rise up in business and this campaign will talk about those things. Yes, the Democrats will try to distort his record. We know that. That's precisely the reason why the Republicans have got to come together, be well-funded to deal with the hypocrisy, to deal with the lies, and to deal with the distortions.

WALLACE: Paul, thank you. Thanks for taking the time today. We very much appreciate it.

MANAFORT: Thank you.

WALLACE: Up next, we'll bring in our Sunday group to discuss Trump's big meeting with Paul Ryan this week.

Plus, what would you like to ask the panel about the challenge Trump faces in unifying the GOP? Just go to Facebook or at Twitter @FoxNewsSunday and we may use your question on the air.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

RYAN: I'm just not ready to do that at this point. I'm not there right now. And I hope to, though, and I want to, but I think what is required is that we unify this party.

(END VIDEO CLIP)

WALLACE: House Speaker Paul Ryan delivering a highly unusual rebuke of this party's presumed nominee.

And it's time now for our Sunday group. Fox News senior political analyst, Brit Hume, Julie Pace, who covers the White House and the campaign for The Associated Press, Kimberley Strassel from The Wall Street Journal, and Charles Lane of The Washington Post.

Well, Brit, how serious is this split between Trump and Ryan? I have to say I found it interesting today that Paul Manafort was making it clear who is the head of the party and it isn't Paul Ryan in his mind. And what do you expect from their big meeting on Thursday?

BRIT HUME, FOX NEWS SENIOR POLITICAL ANALYST: Well, you know, I think that this is an excellent example of how divided this party is and is likely to remain. After all, remember what Trump said, he said, "I don't support Paul Ryan's agenda."

Paul Ryan's agenda is essentially the current conservative agenda. It is reform conservatism. He is a true blue conservative. Donald Trump ran as something else and he ran to gather the support of people who are alienated and deeply disappointed in the Republican leadership in Washington.

Now comes the moment, does he need to pull these people who are part of the party establishment, if you will, find him? He, I think, believes he doesn't have to. If they want to get on board with him, great, but he doesn't seem to be willing to adjust his way at looking at things, his agenda, his issue positions, his sense of what the Constitution requires to accommodate them and to bring them forward.

WALLACE: And do you think that he can run as a free agent basically aside and apart from the Republican Party establishment?

HUME: I think he thinks he can.

WALLACE: But do you think he can?

HUME: Well, I think that if you look at his numbers, he needs every vote he can get. I mean, after all, Mitt Romney got, what, 93 percent of the Republican vote. With Trump so deeply underwater with women, hopelessly underwater with Hispanics, African-Americans and others, I think, you know, he's got to figure out how to make it all add up to give him some kind of a majority.

And if he begins basically by turning off a lot of, you know, mainstream Republicans, I don't see how he gets there. Now, maybe -- you know, maybe he can -- maybe he can find in this country so many alienated blue collar Democrats that will come to his cause that he can win, but I doubt it.

WALLACE: Meanwhile, President Obama piled on this week making his first comments about Trump since he became the presumptive Republican nominee and he challenged Republican voters. Here he is.

(BEGIN VIDEO CLIP)

BARACK OBAMA, PRESIDENT OF THE UNITED STATES: We are in serious times and this is a really serious job. This is not entertainment. It is not a reality show. This is a contest for the presidency of the United States.

(END VIDEO CLIP)

WALLACE: Julie, how big a role does President Obama plan to play in this campaign? And he seems to take particular delight and he has actually for a few years now in going after -- well, I guess since the birther issue in going after Donald Trump.

JULIE PACE, THE ASSOCIATED PRESS: I think if the president has his way, he will play a very large role in this campaign. And right now, the Clinton campaign would like to see him play a large role, they think that he is still an effective messenger for Democrats, for young voters, for African-Americans who Clinton would need in a general election.

But I think what's interesting with both Obama and Clinton in the last week or so is you hear them making these specific appeals to Republican voters. Clinton talked about thoughtful Republicans. And they think that with Trump at the top of the Republican ticket, that they could appeal to people who may not believe in policy positions that Clinton has, but at least would feel comfortable that she wouldn't necessarily drive the country into a ditch and may be able to come around and vote for her for at least one term.

WALLACE: Do you think it's personal with Obama?

PACE: I do. I really do. You have to remember when Trump was leading the birther movement in Obama's first term what a shot at the president's credibility that was and I think that he is surprised and his staff is surprised that Trump has gone from being this show man on the side of the political arena to actually now the presumptive nominee. And if he were to be succeeded by Donald Trump as president, what would that say about Obama and his stewardship of the country as well?

WALLACE: We asked you for questions for the panel and we got a bunch like these from Craig Coldren on Facebook who writes, "No wonder the GOP is dying. Party members would rather let a Democrat win than vote for a non-perfect candidate. No wonder we the people are uprising."

Kim, how do you answer Craig and, you know, there is this interesting question because we're talking about all the negatives, but the fact is that Trump ran as the anti-establishment candidate, now he is getting hammered by the Bushes and by Romney and Lindsey Graham, they say they can't support Trump. In a sense, doesn't that certify him as the outsider?

KIMBERLEY STRASSEL, THE WALL STREET JOURNAL: Look, when we talk about a non-perfect candidate I keep hearing everyone talk about Trump's agenda. Paul Manafort was on saying his agenda and he articulate it had so well.

What part of that agenda are we talking about? When we put out his tax plan or when he disavowed it this week and said he wasn't a big fan of his own tax plan? When he said we cannot raise the minimum wage and then turned around this week and said, well, yes, we probably can do it after all.

I mean, this is why Paul Ryan cannot support Donald Trump at the moment because Paul Ryan is a conviction politician who believes in certain ideals. Those voters out there who have an understanding of the Republican Party as something that has certain principles will not be able to rally behind this person. And, yes, some of them Obama is on to something, there will be a number who look and say, I would rather have somebody who had a consistent viewpoint, maybe not one I agree with than one who I don't know what he is going to say from one day to the next.

WALLACE: Well, so, having said that -- do you really think they are going to go to this meeting, the nominee of the party, the chairman of the Republican National Committee and the speaker of the House, they're going to sit down and come out and basically say, "No, no deal"?

STRASSEL: No, I think that they probably they will come out. I don't think that there will be a deal.

But, look, what Paul Ryan essentially did here is he sort of said this is a little bit of a test. You've got to go out and prove that you can get the people who are the foundation of our party, because nothing is set in stone really. I mean, in the reality it is that we keep talking about him as the presumptive nominee in a race where everything has been up for grabs, anything could happen, there are a lot of delegates out there who still do not support Donald Trump. Who knows what could happen?

WALLACE: I want to pivot this conversation a bit with you, Chuck.

I want to take a look. It was a fascinating story this week in The Wall Street Journal at the electoral map which shows just the enormous advantage that Democrats begin with. All the states that you see there in blue, particularly on the East Coast and the West Coast have voted Democratic for the last six elections in a row. They represent 242 electoral votes, just 28 shy of a majority. All the states in red have voted Republican for those same six straight elections, that's 102 electoral votes or 168 shy of a majority.

Chuck, the only way -- the only way that Trump can possibly win is to flip some of those blue states that have voted six times in a row like Michigan, like Pennsylvania, like Wisconsin.

CHARLES LANE, THE WASHINGTON POST: There's sort of two theories about that. Trump's theory is, look, I'm talking about immigration, I'm talking about trade, those are issues that resonate in the Rust Belt, which are the areas you just described. And so, I can bring people who used to vote Democratic over to the Republican side. That's the Trump theory of the case.

The case that I think is a little bit more correct is that that might work if he didn't have all the other negatives going against him because he is going to push -- or at least right now, he is pushing women away, he is pushing -- even in those heavily white states, there are a number of Hispanics, those are all pushed away.

In other words, the question that I think that it all revolves around is does he bring in more than he pushes away. Right now it looks like he's pushing away more than he's bringing in. And those relative, handful of red states that you showed there is really all he can count on.

WALLACE: Let me argue a different theory of the case, Brit, in the time we have left, which would be -- there is a huge disgust with Washington and the establishment. We see it not only on the Republican side. We also see it on the Democratic side with Bernie Sanders.

Hillary Clinton represents that, she'd been around for, what, a quarter of a century, and that there may be just a sense of, you know, we'll try it and if he's no good we'll fire him in four years.

HUME: Well, certainly, Trump's great advantage is that the Democratic nominee is weak, discredited, old in the sense of people having known her for a long time. You know, he has terrible negatives, hers are not as bad as his, but they're pretty bad.

So, her weakness is a tremendous asset to him and gives him at least a chance to appeal to voters who might be peeled away to go to him. But remember this about him, Chris, this is above all this Trump mania, is a cult of personality and the people who support him -- basically what they believe in is whatever he says and if he changes his mind, they'll believe that, too.

I just don't know how many people are willing to get on that train. You know, people with convictions, people who are conservative and all that. You know, when your negatives are as bad as his with as many groups as he has the bad negatives, the first thing you shouldn't do is alienate the conservatives in the Republican Party. It is, after all, still to this day a conservative party.

WALLACE: All right. We have to take a break here but we will see you all a little later, panel.

Up next, we will sit down with North Carolina Governor Pat McCrory who is facing a federal deadline tomorrow to suspend a state law limiting bathroom access to transgender people. Plus, what do you think, should the federal government cut off funds to North Carolina over a law it says violate civil rights?

Let me know on Facebook or Twitter @FoxNewsSunday and use the hashtag #fns.

(COMMERCIAL BREAK)

WALLACE: Coming up, another American has been lost in the war on terror.

(BEGIN VIDEO CLIP)

ASHTON CARTER, U.S. SECRETARY OF DEFENSE: These risks will continue. And we greatly regret his loss.

(END VIDEO CLIP)

WALLACE: We'll ask our Sunday panel about our deepening role fighting ISIS, coming up on "Fox News Sunday."

(COMMERCIAL BREAK)

CHRIS WALLACE, FOX ANCHOR: The state of North Carolina faces a deadline tomorrow to stop enforcement of its new law that people must use bathrooms of the gender on their birth certificates. The Justice Department says that law violates the federal Civil Rights Act and is threatening to cut off billions of dollars in federal funds if the state refuses to comply.

Joining me now is North Carolina Governor Pat McCrory.

And, governor, welcome to FOX NEWS SUNDAY.

GOV. PAT MCCRORY (R-NC): Thanks for having me, Chris. I appreciate it.

WALLACE: All right, well, let's start with this deadline that you face tomorrow to suspend implementation of the so-called bathroom law or to face the potential loss of billions of dollars in state funding. Governor, what are you going to do?

MCCRORY: Well, first of all, the bathroom laws (INAUDIBLE) only applies to government buildings or schools and our universities and highway rest stops. It doesn't apply to anyone in the private sector. In fact, our ruling says that the government shouldn't make bathroom laws for anyone in the private sector.

WALLACE: Understood.

MCCRORY: That's up to the private sector.

What I've asked for, I asked for Friday, was an extension. They gave the ninth largest state in the United States, the civil rights division of the Justice Department, three working days to respond to a pretty complex letter and to a pretty big threat. Well, we don't think three working days is enough to respond to such a threat from a -

WALLACE: Did they respond to your request for an extension?

MCCRORY: Yes, they said, no, unless we will give you a one week extension if the governor admits publicly that the ruling that their language regarding bathrooms does, in fact, discriminate. Well, I'm not going to publicly announce that something discriminates which is agreeing with their letter because we're really talking about a letter in which they're trying to define gender identity. And there is no clear identification or definition of gender identity. It's -

WALLACE: Well, all right, but let me - let -

MCCRORY: It's the federal government being a - a bully. It's making law. It's - and by their interpretation. And -

WALLACE: So you asked for an extension of a week.

MCCRORY: Right.

WALLACE: They said no.

MCCRORY: Right.

WALLACE: I've got a copy of the letter, too, and they say you've got to make a decision on whether or not you're going to step away from House Bill 2, this law.

MCCRORY: Right. Right.

WALLACE: By the close of business tomorrow. So what are you going to do?

MCCRORY: Well, first of all, I don't have the authority to change the law as governor of the United States. That's passed by the North - or as governor of North Carolina. That is made by the North Carolina legislature. So they've already made one unrealistic expectation. And, second, they've also sent a letter to our universities and our university by state law has to go to the board of governors, which cannot meet until Tuesday. So this unrealistic deadline by the federal government is quite amazing to the ninth largest state, but I'll make a decision within the next 24 hours on how to respond to them. I - I believe I have until 5:00 tomorrow.

WALLACE: And how are you going to decide?

MCCRORY: I'm discussing all of our legal options, all of our political options, because, frankly, there are two ways the federal government can determine this. One is, is a bathroom policy determined by the Congress and signed by the president, or a dictate from a regulatory agency in the United States federal government. And that's the way it is right now.

WALLACE: Is - is it - it is possible - I'm trying - I'm trying - obviously, I'm doing my job.

MCCRORY: Sure. Sure.

WALLACE: I'm trying to pin you down. Is the - are you willing to rule out at this point that you will disavow, and however you phrase it, in effect say, I'm walking away from this law?

MCCRORY: I'm looking at all my options. And one thing the nation has to realize, this is no longer just a North Carolina issue. This order, this letter by the Justice Department, is saying that every company in the United States of America that has over 15 employees are going to have to abide by the federal government's regulation on bathrooms. So now the federal government is going to tell almost every private sector company in the United States who can and who cannot come into their bathrooms, their restrooms, their shower facilities for their employees, and they're also telling every university in the United States of America. This is not just North Carolina. They are now telling every university that accepts federal funding that boys who may think they're a girl can go into a girls' locker room or restroom or shower facility.

WALLACE: You -

MCCRORY: And that begins, I assume, tomorrow.

WALLACE: Governor, you call this a case of Washington overreach and I want to explore that with you.

MCCRORY: Yes.

WALLACE: Would it be overreach for the Justice Department to send you a letter like this to say, you cannot have bathrooms in the state capital one for white and one for black?

MCCRORY: I don't think there's any correlation between the two and I think it's misleading.

WALLACE: But would you agree that that is within the federal government's purview?

MCCRORY: Absolutely, but we can definitely define the race of people. It's very hard to define transgender or gender - gender identity or -

WALLACE: But - but - but the point is - the reason I ask is -

MCCRORY: Why?

WALLACE: That the Justice Department says that just like whites and blacks that transgender people are a protected class.

MCCRORY: Right.

WALLACE: And that has a legal -

MCCRORY: Right.

WALLACE: That meaning, a protected class under the 1964 Civil Rights Law.

MCCRORY: That's what they say, but that's not what the federal law says. The federal law uses the term "sex" and Congress does not define "sex" as including gender identity or other terms that the Justice Department has currently used. So right now the Justice Department is making law for the federal government as opposed to enforcing law.

WALLACE: It sounds like basically you're going to challenge this in court?

MCCRORY: We're looking at all our options right now, but we also want to get feedback from the business community throughout the nation that's going to be impacted by this and all universities throughout the nation that are impacted by this.

WALLACE: OK.

MCCRORY: But we're literally talking about billions of dollars now, if it is challenged, I assume there's no way - I'm not going to risk any money for the state of North Carolina. And now even the DOT, the national - the DOT -

WALLACE: Department of Transportation.

MCCRORY: Department of Transportation here in Washington is doing press releases saying they're examining whether they can take away North Carolina's money for roads and other transportation needs over a bathroom issue.

WALLACE: But let me - let - I'm going to get to the money in a - in a second. But how many cases - how many cases have you had in North Carolina in the last year where people have been convicted of using transgender protections to commit crimes in bathrooms?

MCCRORY: This wasn't a problem. That's the point I'm making. This is the Democratic Party and the left wing of the Democratic Party -

WALLACE: But have - have there been any cases of this?

MCCRORY: Not that I'm aware of.

WALLACE: Have there been any cases in the last five years?

MCCRORY: Let - why did the Democratic Party in Houston, Texas, and - and -

WALLACE: But - but I guess the question is - forgive me, if I may, sir.

MCCRORY: No.

WALLACE: Why not just then let it go if there's - if there's not a case of transgender people going in and molesting little girls -

MCCRORY: Because there's - I haven't - I haven't used that at all. This is an issue of expectation -

WALLACE: Well, you did say a - a boy who thinks he's a girl going into a girls' bathroom.

MCCRORY: And that's where there's an expectation of privacy. When you go into a restroom or your wife goes into a restroom, you assume the only other people going into that restroom or shower facility is going to be a person of the same gender. That's been an expectation of privacy that all of us have had for years.

WALLACE: But if there's no problem, then why pass the law in the first place?

MCCRORY: Well, there can be a problem because the - the liberal Democrats are the ones pushing for bathroom laws and now President Obama and one of my successors as mayor of Charlotte wants government to have bathroom rules. I'm not interested in that. We did not start this on the right. Who started it was the - the political left in Houston, Texas, then Charlotte, North Carolina, and now, frankly, in Washington, D.C.

WALLACE: Let's talk about the issue of money because North Carolina's attorney general, Roy Cooper, who coincidentally is running against you for governor in your re-election fight in this year -

MCCRORY: Yes. Yes. Right.

WALLACE: Says you made a big mistake signing this law. Here he is.

(BEGIN VIDEO CLIP)

ROY COOPER, D-NORTH CAROLINA ATTORNEY GENERAL: Not only is this new law a national embarrassment, it will set North Carolina's economy back if we don't repeal it.

(END VIDEO CLIP)

WALLACE: Now, you're campaigning against Cooper for re-election in large part on what you call the Carolina comeback -

MCCRORY: That's right.

WALLACE: Which is the fact that there has been dramatic economic growth in Carolina for - over the last few years. But let's - let's take a look at the fallout from this law. PayPal canceled a 400 job operations center. This is since the law was passed and you signed it in March. Deutsche Bank shelved plans for facilities that would have employed 250 people. One study found the law has cost North Carolina \$77 million and 750 jobs.

Governor, you say you're not going to risk money. This is - all this has happened just since March.

MCCRORY: Well, let me first say, North Carolina's had the greatest economic recovery in the United States of America, more than any other state.

WALLACE: But this isn't good.

MCCRORY: But since I've been governor - let me finish the sentence, Chris.

WALLACE: OK.

MCCRORY: And then, second, I need to say PayPal, for example, is kind of selective hypocrisy and selective outrage. This is the same PayPal company that did business in Sudan, did business in Iran, did business in Saudi Arabia and they're lecturing North Carolina because the majority of North Carolinians, I believe, think a man who's a man ought to use the restroom that is on the door. And same thing applies to women. And this is especially true in our schools, in our junior highs, in our high schools. This is a basic change of norms that we've used for decades throughout the United States of America and the Obama administration is now trying to change that norm. Again, not just in North Carolina, but they're ordering this to every company in the United States of America starting tomorrow, I assume, or Tuesday, and also making this an order for every university in the United States of America.

WALLACE: Governor McCrory, thank you. Thanks for flying here today and talking with us.

MCCRORY: Thank you very much.

WALLACE: And, of course, we will be looking forward to finding out what you decide and what you say by the close of business tomorrow.

MCCRORY: Thank you very much.

WALLACE: The - the federal deadline. Thank you, sir.

MCCRORY: Thank you. Thank you very much. Thank you.

WALLACE: Good to talk with you.

MCCRORY: Thank you.

WALLACE: Coming up, a Navy SEAL was killed in Iraq this week after getting caught in a firefight with ISIS. Is the U.S. war on terror becoming more of a combat mission? We'll bring back our Sunday group.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

ASH CARTER, DEFENSE SECRETARY: These people are in - in combat, senator, and I think that we need to say that clearly.

(END VIDEO CLIP)

WALLACE: Defense Secretary Ash Carter telling a congressional committee about the increased U.S. military role in the fight against ISIS.

And we're back now with the panel.

Well, we got bad news this week, Navy SEAL Charles Keating IV was killed in northern Iraq. He's the third U.S. service member to die since the campaign against ISIS began.

Brit, the White House continues to say this is not a combat mission. Isn't that getting to be harder and harder to maintain?

BRIT HUME, FOX NEWS SENIOR POLITICAL ANALYST: Yes, it is, Chris, but I - I don't think we should be believing here that what we really have is some kind of a covert, serious, major combat undertaking. The president is clearly doing this in very, very small steps and I don't think he intends to go beyond that. And, you know, the - you're always reminded of the slippery slope that we've encountered in other - in other conflicts where you start with a few and the next thing you know it's a few more and pretty soon it's many and pretty soon you're in a full-fledged combat role. I don't sense that that will come here. It is getting a little bit silly for the White House to say that this is not combat and you've got the secretary of defense saying something else. I mean that's, you know, just absurd. But I don't - I don't think we should believe that we're - that President Obama's going to be waging any major wars here.

WALLACE: But it is more than just these few tragic deaths, Julie. President Obama recently announced that he's sending 250 more special ops forces. I think there were already 50 on the ground. Now 100 - 250 more special ops forces to Syria, our military advisors are working more closely with Iraqi troops and closer to the front lines on battlefield decisions. We've got A-10s and F-16s dropping bombs on ISIS positions. Forget the critics who may think they're either doing too much or too little. Do they - at the White House do they worry about the slippery slope and mission creep and that we're slowly getting sucked back into a greater involvement?

JULIE PACE, THE ASSOCIATED PRESS: Yes, I think they are mindful of it, but it - it gets to Brit's point, they are mindful of it in the sense that they do not want to get into a position and have our military posture be like it was under the Bush administration in the Middle East. So that is always the thing that they look at as the barrier.

I think what you've seen happen, though, is they - they sometimes take smaller steps to avoid the - the - the idea that they are on a slippery slope and that they are building toward some kind of larger combat role. And you do have to ask, 100 people, 200 people how much difference does that make? Should they be going larger and do they not go larger because they do want to avoid the idea of being on a slippery slope?

WALLACE: I mean they are in kind of a mess of their own making, aren't they, Kim, in the sense that if you send these troops in such small numbers into Iraq and Syria, than the - some people are going to say, you know, it's a Band-Aid. And on the other hand if they send more the people are saying, well, you know, they're not doing enough.

KIMBERLEY STRASSEL, THE WALL STREET JOURNAL: Look, you go back to June 2014, the president said he was going to send 275 uniformed personnel. We're now up to more than 4,100 in Iraq. And, by the way, people in Congress say that the number is actually quite higher because of the way they do temporary troop rotations and that the White House is hiding the real numbers that are over there.

We are at a war. The president doesn't want to admit it because he doesn't want to have to come out and - he promised the American people that this was not something he was going to do. So, instead, he's sliding along hoping to get to the end of the term because he wants his legacy to be able to say, I pulled us out. In the meantime, his vow to dismantle ISIS,

he has not committed the enforcements that you need there to make that happen and now the conflict is spreading to Syria, Afghanistan, everywhere you look.

WALLACE: Kim, I want to turn to a revealing profile in today's New York Times Sunday magazine. It's about Ben Rhodes, who is not a household name, but he's one of President Obama's top foreign policy advisors. Rhodes says the White House spun a false narrative to sell the Iran nuclear deal claiming that they were - had worked with moderates when Rouhani took over when, in fact, they had been dealing for two years before that with the hardliners, even including Ahmadinejad and the supreme leader. How big a deal that you've got the president's deputy national security adviser basically saying, we misled the American people on how this all came down?

STRASSEL: Big deal because that is in essence what they are saying, that the president had the objective from the minute he walked into office of cutting a deal with Iran so that he could further disengage from the region and then use the excuse of this election in which everyone understood that there were not moderates necessarily elected. This was not some major change in the regime there. But they spun that to the public as an excuse to then pull the pin on this. Revealing, although not necessarily surprising for anybody who has actually watched this administration, because their foreign policy does tend to be mostly spin.

WALLACE: And - and does it make a difference? In other words, if you - does it make the Iran nuclear deal more objectionable to know that they began negotiating it with -

STRASSEL: It was objectionable from the start.

WALLACE: I was going to ask.

STRASSEL: Yes. And now we just know that, in fact, what drove that deal were not in fact a series of imperatives about how we were, in fact, trying to change the behavior of the Iranians, but simply getting a deal, which is not one that's in the long-term benefit of the United States or any of the members of the region.

WALLACE: And Rhodes also brags in this piece - it's worth looking at, it's online - about how the - the White House was able to get the media to tell its narrative. This is what Rhodes said. This is a quote from him in the article. "The average reporter we talked to is 27 years old and their only reporting experience consists of being around political campaigns. That's a sea change. They," those 27-year-old reporters I'm glad to say, I know you'll be surprised, I'm not one of them, "they literally know nothing."

Chuck, what do you make of that?

STRASSEL: The know nothings.

CHARLES LANE, THE WASHINGTON POST: Well, you know, it's - it's not new that a White House would spin reporters and try to mold them to its narrative. It's - it's a little new that they would be so brazen about it. And it's really new that they would brag and express such contempt for the media that they deal with.

I must say, you know, that description he offers of the people he was dealing with could almost have fit Ben Rhodes himself when he arrived at the White House. He was a little older than 27, but he had no particular foreign policy experience and had come up through campaigns.

You know, there used to be a norm -

WALLACE: And prided himself on being a novelist, a story teller.

LANE: A storyteller and somebody who had - was unburdened, really, by political - or rather foreign -

STRASSEL: And don't we know it.

LANE: Foreign policy experience because another thing he says in this piece is that there's something in Washington he calls "the blob," which is, you know, sort of all the talking heads and foreign policy establishment people. And, I must say, I think there's something to that. It was kind of a refreshing dose of irreverence by Ben Rhodes there. The people had made a lot of mistakes in Iraq and I can understand that. But, you know, nevertheless, there were some very seasoned people out there. Some of them like Leon Panetta and Bob Gates, who helped this president, or at least tried to, and probably don't deserve to be thought of as part of a blob.

WALLACE: Julie, you - have - have you, since this article come out - came out, have you talked to people at the White House?

PACE: Yes. I mean, you know, it's interesting because this White House really prides themselves on being kind of the smartest kid in the room. That's kind of their approach to so many things. They - they take that approach in dealing with the media, in dealing with Capitol Hill, in dealing with think tanks. I think that what you saw in this article is a little bit of how the sausage is made, which is always kind of an ugly thing to - to look at. But I think that they look at this article and I think that they will probably take the criticism of it, which is plenty in coming from people that are even friendly to them, as just another example of how Washington doesn't get what the Obama administration is trying to do. They - they really have this attitude, frankly, that they are the only smart ones in town and the only ones who kind of understand the goals here.

WALLACE: So, wait, wait, wait, because I thought you were going to tell me that they're in a cold furor -

PACE: No, no, no.

WALLACE: About what Ben Rhodes said.

PACE: No. They are - they are - I think that - I think that they are, if anything, being pretty defensive of what he said. Maybe they don't necessarily like the way he said some of it, but I don't necessarily think that they disagree with the larger message of - of the piece and what he was saying.

HUME: It is a different world in which we live when a White House staffer, promoted in this piece as someone who is largely anonymous, who has actually been anything but anonymous -- I think he's one of the most widely quoted figures in Washington - allows a profile like this to come out and build him up and which I think the White House probably approves of and - and agrees with most of what he said, especially about the media. And I think it's, you know - they didn't realize that the criticism was coming and, Julie, you've said that, that - and here it is and I think they were a little surprised by it because I think this is their little star, this young whipper snapper, smart though he may be, Ben Rhodes comes out and - and -

WALLACE: There you got, that - a 27-year-old doesn't talk about whipper snappers.

HUME: Yes, I'm sort of the opposite of -

WALLACE: Yes. We - but we all are.

HUME: I'm 72, right? So I - but I think this is something different. And it's a reflection of the president himself. In fact, Rhodes is said to be in a constant state of mind meld with the president and he says in the article that he doesn't know where the president ends and he begins or vice versa.

LANE: Like a blob.

HUME: Quite - these are quite - yes, a blob, yes. These are quite extravagant claims this young man makes for himself here. Maybe they're true, but what's remarkable about it is that the White House is on board it seems to me with all of it.

WALLACE: I commend the article to you. Thank you, panel. See you next Sunday.

Up next, our "Power Player of the Week." The designer of hand painted fine china that's used at the White House and Buckingham Palace.

(COMMERCIAL BREAK)

WALLACE: There are certain designers whose names signify quality and elegance, whether in dresses or buildings or other objects we live with. Here is our "Power Player of the Week."

(BEGIN VIDEO CLIP)

ANNA WEATHERLEY, DESIGNER: I decided that I will do something which is not practical, not sensible.

WALLACE (voice-over): That is the unique business philosophy of Anna Weatherley, a world famous designer of fine china, whose signature are butterflies and flowers and even bugs that are all painted by hand.

WEATHERLEY: I left the mass market to the mass market. I just want to be very different from any other designer or manufacturer.

WALLACE: If you're curious who eats off Anna Weatherley plates, there are 75 place settings in the White House.

LAURA BUSH, FORMER FIRST LADY: It's taken from the magnolias, the big trees that you can see both from the Blue Room and the Yellow Oval Room.

WALLACE: And there was a special commission to create 250 plates.

WALLACE (on camera): This was a dinner for the prince of whales at Buckingham Palace. How did that make you feel?

WEATHERLEY: It's an absolute fairytale.

WALLACE (voice-over): Anna showed us what a table of her creations looks like, a wondrous garden of plants and flowers and butterflies.

WEATHERLEY: It's a happy table. And I cannot cook, so, therefore, if I set the table, I can put the canned soup in one of those plates and people will think it's a gourmet food.

WALLACE: Born in Hungary, Anna started out designing dresses in the '70s that were just as beautiful and impractical.

WEATHERLEY: Look how pretty that is.

WALLACE: Silk chiffon and hand painted.

WEATHERLEY: You must flint and never (INAUDIBLE) when you have that dinner - this on. Never pay for dinner.

WALLACE: In 1990, she opened a small china studio in Budapest with 20 artists who each specialize.

WEATHERLEY: Butterflies or bugs. And these are the women's work. And the big flowers are painted by the guys.

WALLACE: She's just as meticulous when it comes to leaves, which must have little holes or ragged edges where the bugs have lunch.

WALLACE (on camera): So you would be unhappy if this was a perfect leaf?

WEATHERLEY: Boring. So it's very - it's very boring, just a plain old green leaf.

WALLACE (voice-over): This precision takes time. A place setting of six pieces can take her studio three days.

WALLACE (on camera): How many does a single Anna Weatherley plate cost?

WEATHERLEY: Just one single plate is between \$200 to \$400.

WALLACE: Why would somebody spend \$400 for a plate?

WEATHERLEY: Because they love it. If you would like to buy a piece of art and put it on your table that's the only time you buy it, otherwise don't buy it. It's not a plate, it's a hand-painted object.

WALLACE (voice-over): Anna's work is based on 17th and 18th century botanical art. She says the 19th century is too modern. She has created her own world and she couldn't be happier.

WEATHERLEY: I don't live in the 20th century. I - I cannot drive. I don't do anything high tech. And I just live in my world of beautiful, impractical, non - not sensible.

(END VIDEOTAPE)

WALLACE: And this spring Anna had another project, she designed the official Easter egg for the White House Historical Association.

And that's it for today. For all you moms, especially mine, have a wonderful Mother's Day and we'll see you next "Fox News Sunday."

(COMMERCIAL BREAK)

END

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May 9, 2016

Vanita Gupta
Principal Deputy Assistant Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Ms. Gupta,

We write in response to your letter of May 4, 2016 notifying the University of North Carolina ("University") that the Department of Justice has concluded that the University is in violation of Title IX of the Education Amendments of 1972 ("Title IX"), the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and Title VII of the Civil Rights Act of 1964 ("Title VII"). According to your letter, the basis for this determination is the fact that the University, as a state agency, is subject to the recently enacted North Carolina Public Facilities Privacy and Security Act ("the Act" or "House Bill 2"), which provides that all public agencies in North Carolina shall require every multiple-occupancy bathroom and changing facility to be designated for and used only by persons based on their biological sex.

The University takes its obligations to comply with federal non-discrimination statutes and their implementing regulations very seriously. We believe that the University has at all times acted in compliance with federal law, and the University intends to continue to comply in the future. Nothing is more important to the University than the safety and well-being of its students, faculty, and staff. We have always worked to make our campuses welcome and safe for students and faculty of all backgrounds, beliefs, and identities. Toward that end, longstanding policy prohibits University personnel from discriminating on the basis of, among other things, gender identity, sex, or sexual orientation.

After the Act's passage, our chancellors, faculty, staff, and students responded with a flurry of questions and expressed substantial concerns. My April 5 memorandum and April 11 statement regarding the Act reflected good faith efforts on behalf of the University to answer some of these questions and to offer reassurance. Communicating in real time was not only essential, but also exceedingly difficult given the uncertainty in response to the Act. Throughout all of this time, the University has recognized that the Act does not address enforcement and therefore has not taken any steps to enforce the statute's requirements on its campuses.

We hope that the Department of Justice appreciates that the University is in a difficult position. The University, created by the State of North Carolina, has an obligation to adhere to laws duly enacted by the State's General Assembly and Governor. So, too, does the University have an equally clear obligation to follow federal law, including federal prohibitions on discrimination. In ordinary circumstances, these obligations are not in tension. In this instance, however, the Department has explained the conflict it sees between the Act and federal civil rights law. The Act remains the law of the State, however, and the

Vanita Gupta
Page 2 of 2
May 9, 2016

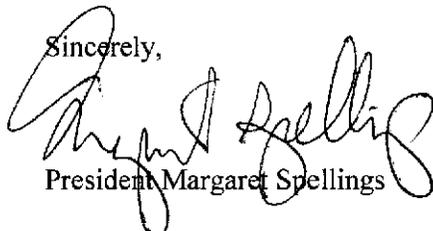
University has no independent power to change that legal reality. As you know, the question of whether Title IX requires schools to allow use of bathrooms and other single-sex facilities based on gender identity remains before the Fourth Circuit in *G.G. v. Gloucester County School Board*. A petition for rehearing *en banc* in that case is pending, and thus the Court has not issued its mandate.

In response to your request for assurances that the University is taking these matters seriously, the Board of Governors has scheduled a special meeting for tomorrow afternoon. At this time, the University pledges its good faith commitment to assure the proper application of non-discrimination law in the university setting, where there remain many difficult and unanswered questions.

We believe that this letter – which unequivocally confirms that the University has and will continue to comply with the requirements of Title IX, VAWA, and Title VII – should suffice at the present time to provide the assurance you sought about the University’s efforts to ensure continued compliance with federal law.

If I can answer any questions or be of any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Spellings", written over the typed name.

President Margaret Spellings

cc: W. Louis Bisette, Jr.
Thomas C. Shanahan

Declaration of Luke C. Platzer

EXHIBIT AB



STATEMENTS

May 10, 2016

University of North Carolina leaders offered the following comments today after a special meeting of the UNC Board of Governors to consult with legal counsel regarding legal actions regarding federal nondiscrimination law and the Public Facilities Privacy and Security Act (HB2):

UNC Board of Governors Chairman Lou Bissette said:

The purpose of today's Board meeting was to consult with our attorneys concerning the pending litigation involving the Department of Justice. We support all the actions President Spellings has taken thus far in leading the University and responding to HB2. The Board appreciates and values her ongoing leadership. As she said yesterday, the University is in a difficult position—caught in the middle between state and federal law. We are committed to resolving the legal issues in the University's favor as quickly as possible. In the meantime, we are going to continue to focus on our primary mission of educating students.

UNC President Margaret Spellings added:

The University of North Carolina is about providing high-quality educational opportunities to all. We depend on federal funding to help provide this access. In fact, more than 138,000 of our students—representing all 100 North Carolina counties and all UNC institutions—receive some type of federal aid. Because of this, we take the legal questions surrounding HB2 and the related lawsuits seriously. We intend to remain in close communication with state and federal officials to underscore our shared interest in resolving these difficult issues as quickly as possible so that we can refocus our efforts on educating students.

Declaration of Luke C. Platzer

EXHIBIT AC



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

January 7, 2015

REDACTED - PII

Dear REDACTED - PII

I write in response to your letter, sent via email to the U.S. Department of Education (the Department) on December 14, 2014, regarding transgender students' access to facilities such as restrooms. In your letter, you mentioned statements in recent guidance documents issued by the Department concerning the application of Title IX of the Education Amendments of 1972 (Title IX) to gender identity discrimination. In addition, you identified a particular school district's policy about access to restrooms and asked about the existence and distribution of any guidance by the Department about policies or practices regarding transgender students' access to restrooms. Your letter has been referred to the Department's Office for Civil Rights (OCR), and I am happy to respond.

As you know, OCR's mission includes enforcing Title IX, which prohibits recipients of Federal financial assistance from discriminating on the basis of sex, including gender identity and failure to conform to stereotypical notions of masculinity or femininity.¹ OCR enforces and interprets Title IX consistent with case law,² and with the adjudications and guidance documents of other Federal agencies.³

¹ See OCR's April 2014 Questions and Answers on Title IX and Sexual Violence at B-2, <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

² See, e.g., *Price Waterhouse v. Hopkins*, 490 U.S. 228, 251 (1989) (holding that Title VII of the Civil Rights Act of 1964's (Title VII) prohibition on sex discrimination bars discrimination based on gender stereotyping, that is "insisting that [individuals] matched the stereotype associated with their group"); *Barnes v. City of Cincinnati*, 401 F.3d 729, 736-39 (6th Cir. 2005) (holding that demotion of transgender police officer because he did not "conform to sex stereotypes concerning how a man should look and behave" stated a claim of sex discrimination under Title VII); *Smith v. City of Salem*, 378 F.3d 566, 574-75 (6th Cir. 2004) ("[D]iscrimination against a plaintiff who is a transsexual — and therefore fails to act and/or identify with his or her gender — is no different from the discrimination directed against Ann Hopkins in *Price Waterhouse*, who, in sex-stereotypical terms, did not act like a woman."); *Rosa v. Park West Bank & Trust Co.*, 214 F.3d 213 (1st Cir. 2000) (applying *Price Waterhouse* to conclude, under the Equal Credit Opportunity Act, that plaintiff states a claim for sex discrimination if bank's refusal to provide a loan application was because plaintiff's "traditionally feminine attire.... did not accord with his male gender"); *Schwenk v. Hartford*, 204 F.3d 1187, 1201-02 (9th Cir. 2000) (holding that discrimination against transgender females — i.e., "as anatomical males whose outward behavior and inward identity [do] not meet social definitions of masculinity" — is actionable discrimination "because of sex" under the Gender Motivated Violence Act").

³ See, e.g., U.S. Dept. of Justice, Memorandum from the Attorney General regarding the Treatment of

The Department's Title IX regulations permit schools to provide sex-segregated restrooms, locker rooms, shower facilities, housing, athletic teams, and single-sex classes under certain circumstances. When a school elects to separate or treat students differently on the basis of sex in those situations, a school generally must treat transgender students consistent with their gender identity.⁴ OCR also encourages schools to offer the use of gender-neutral, individual-user facilities to any student who does not want to use shared sex-segregated facilities.

OCR refrains from offering opinions about specific facts, circumstances, or compliance with federal civil rights laws without first conducting an investigation, and does not release information about its pending investigations. Nevertheless, it may be useful to be aware that in response to OCR's recent investigations of two complaints of gender identity discrimination, recipients have agreed to revise policies to make clear that transgender students should be treated consistent with their gender identity for purposes of restroom access. For examples of how OCR enforces Title IX in this area, please review the following resolutions of OCR investigations involving transgender students: Arcadia Unified School District;⁵ and Downey Unified School District.⁶

OCR is committed to helping all students thrive at school and ensuring that schools take action to prevent and respond promptly and effectively to all forms of discrimination, including gender-identity discrimination. OCR staff is also available to

Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964 (Dec. 15, 2014) (stating that the protection of Title VII extends to claims of discrimination based on an individual's gender identity, including transgender status), http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/18/title_vii_memo.pdf; see also *Macy v. Holder*, Appeal No. 012012082 (U.S. Equal Emp't Opportunity Comm'n Apr. 20, 2012) (holding that gender identity and transgender status did not need to be specifically addressed in Title VII in order to be prohibited bases of discrimination, as they are simply part of the protected category of "sex"), <http://www.eeoc.gov/decisions/0120120821%20Macy%20v%20DOJ%20ATF.txt>; U.S. Dept. of Health & Human Services, Office for Civil Rights, *Letter to Maya Rupert, Esq.*, Transaction No. 12-0008000 (July 12, 2012) (stating that Section 1557 of the Affordable Care Act, which incorporates Title IX's prohibition on sex discrimination, "extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity"), <http://www.scribd.com/doc/101981113/Response-on-LGBT-People-in-Sec-1557-in-the-Affordable-Care-Act-from-the-U-S-Dept-of-Health-and-Human-Services>; U.S. Dep't of Labor, Office of Federal Contract Compliance Programs, *Gender Identity and Sex Discrimination*, Directive 2014-02 (Aug. 14, 2014) (directing that for purposes of Executive Order 11246, which prohibits employment discrimination on the basis of sex by federal contractors and subcontractors, "discrimination based on gender identity or transgender status ... is discrimination based on sex"), http://www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html.

⁴ See, e.g., OCR's December 2014 Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities, at Q. 31, <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>.

⁵ OCR Case No. 09-12-1020 (July 24, 2013), <http://www.justice.gov/crt/about/edu/documents/arcadialetter.pdf> (resolution letter); and <http://www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf> (resolution agreement).

⁶ OCR Case No. 09-12-1095 (October 14, 2014), <http://www2.ed.gov/documents/press-releases/downey-school-district-letter.pdf> (resolution letter); and <http://www2.ed.gov/documents/press-releases/downey-school-district-agreement.pdf> (resolution agreement).

offer schools technical assistance on how to comply with Title IX and ensure all students, including transgender students, have equal access to safe learning environments.

If you have questions, want additional information or technical assistance, or believe that a school is engaging in discrimination based on gender identity or another basis protected by the laws enforced by OCR, you may visit OCR's website at www.ed.gov/ocr or contact OCR at (800) 421-3481 (TDD: 800-877-8339) or at ocr@ed.gov. You may also fill out a complaint form online at www.ed.gov/ocr/complaintintro.html.

I hope that this information is helpful and thank you for contacting the Department.

Sincerely,

A handwritten signature in blue ink, appearing to read "James A. Ferg-Cadima". The signature is stylized and includes a horizontal line extending to the left.

James A. Ferg-Cadima
Acting Deputy Assistant Secretary for Policy
Office for Civil Rights

Declaration of Luke C. Platzer

EXHIBIT AD



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

May 13, 2016

Dear Colleague:

Schools across the country strive to create and sustain inclusive, supportive, safe, and nondiscriminatory communities for all students. In recent years, we have received an increasing number of questions from parents, teachers, principals, and school superintendents about civil rights protections for transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance.¹ This prohibition encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender status. This letter summarizes a school's Title IX obligations regarding transgender students and explains how the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) evaluate a school's compliance with these obligations.

ED and DOJ (the Departments) have determined that this letter is *significant guidance*.² This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you have questions or are interested in commenting on this guidance, please contact ED at ocr@ed.gov or 800-421-3481 (TDD 800-877-8339); or DOJ at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Accompanying this letter is a separate document from ED's Office of Elementary and Secondary Education, *Examples of Policies and Emerging Practices for Supporting Transgender Students*. The examples in that document are taken from policies that school districts, state education agencies, and high school athletics associations around the country have adopted to help ensure that transgender students enjoy a supportive and nondiscriminatory school environment. Schools are encouraged to consult that document for practical ways to meet Title IX's requirements.³

Terminology

- Gender identity* refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
- Sex assigned at birth* refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.
- Transgender* describes those individuals whose gender identity is different from the sex they were assigned at birth. A *transgender male* is someone who identifies as male but was assigned the sex of female at birth; a *transgender female* is someone who identifies as female but was assigned the sex of male at birth.

- *Gender transition* refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Compliance with Title IX

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations.⁴ The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination.⁵

The Departments interpret Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.⁶ Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence),⁷ requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.⁸

1. Safe and Nondiscriminatory Environment

Schools have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender students. Harassment that targets a student based on gender identity, transgender status, or gender transition is harassment based on sex, and the Departments enforce Title IX accordingly.⁹ If sex-based harassment creates a hostile environment, the school must take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects. A school's failure to treat students consistent with their gender identity may create or contribute to a hostile environment in violation of Title IX. For a more detailed discussion of Title IX

requirements related to sex-based harassment, see guidance documents from ED's Office for Civil Rights (OCR) that are specific to this topic.¹⁰

2. Identification Documents, Names, and Pronouns

Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments have resolved Title IX investigations with agreements committing that school staff and contractors will use pronouns and names consistent with a transgender student's gender identity.¹¹

3. Sex-Segregated Activities and Facilities

Title IX's implementing regulations permit a school to provide sex-segregated restrooms, locker rooms, shower facilities, housing, and athletic teams, as well as single-sex classes under certain circumstances.¹² When a school provides sex-segregated activities and facilities, transgender students must be allowed to participate in such activities and access such facilities consistent with their gender identity.¹³

- Restrooms and Locker Rooms.** A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.¹⁴ A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.¹⁵
- Athletics.** Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport.¹⁶ A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (*i.e.*, the same gender identity) or others' discomfort with transgender students.¹⁷ Title IX does not prohibit age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of the students' participation on the competitive fairness or physical safety of the sport.¹⁸
- Single-Sex Classes.** Although separating students by sex in classes and activities is generally prohibited, nonvocational elementary and secondary schools may offer nonvocational single-sex classes and extracurricular activities under certain circumstances.¹⁹ When offering such classes and activities, a school must allow transgender students to participate consistent with their gender identity.
- Single-Sex Schools.** Title IX does not apply to the admissions policies of certain educational institutions, including nonvocational elementary and secondary schools, and private undergraduate colleges.²⁰ Those schools are therefore permitted under Title IX to set their own

sex-based admissions policies. Nothing in Title IX prohibits a private undergraduate women's college from admitting transgender women if it so chooses.

- **Social Fraternities and Sororities.** Title IX does not apply to the membership practices of social fraternities and sororities.²¹ Those organizations are therefore permitted under Title IX to set their own policies regarding the sex, including gender identity, of their members. Nothing in Title IX prohibits a fraternity from admitting transgender men or a sorority from admitting transgender women if it so chooses.
- **Housing and Overnight Accommodations.** Title IX allows a school to provide separate housing on the basis of sex.²² But a school must allow transgender students to access housing consistent with their gender identity and may not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students. Nothing in Title IX prohibits a school from honoring a student's voluntary request for single-occupancy accommodations if it so chooses.²³
- **Other Sex-Specific Activities and Rules.** Unless expressly authorized by Title IX or its implementing regulations, a school may not segregate or otherwise distinguish students on the basis of their sex, including gender identity, in any school activities or the application of any school rule. Likewise, a school may not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity (*e.g.*, in yearbook photographs, at school dances, or at graduation ceremonies).²⁴

4. Privacy and Education Records

Protecting transgender students' privacy is critical to ensuring they are treated consistent with their gender identity. The Departments may find a Title IX violation when a school limits students' educational rights or opportunities by failing to take reasonable steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth.²⁵ Nonconsensual disclosure of personally identifiable information (PII), such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA).²⁶ A school may maintain records with this information, but such records should be kept confidential.

- **Disclosure of Personally Identifiable Information from Education Records.** FERPA generally prevents the nonconsensual disclosure of PII from a student's education records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information.²⁷ Even when a student has disclosed the student's transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from education records to the school community may

violate FERPA and interfere with transgender students' right under Title IX to be treated consistent with their gender identity.

- **Disclosure of Directory Information.** Under FERPA's implementing regulations, a school may disclose appropriately designated directory information from a student's education record if disclosure would not generally be considered harmful or an invasion of privacy.²⁸ Directory information may include a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.²⁹ School officials may not designate students' sex, including transgender status, as directory information because doing so could be harmful or an invasion of privacy.³⁰ A school also must allow eligible students (*i.e.*, students who have reached 18 years of age or are attending a postsecondary institution) or parents, as appropriate, a reasonable amount of time to request that the school not disclose a student's directory information.³¹
- **Amendment or Correction of Education Records.** A school may receive requests to correct a student's education records to make them consistent with the student's gender identity. Updating a transgender student's education records to reflect the student's gender identity and new name will help protect privacy and ensure personnel consistently use appropriate names and pronouns.
 - Under FERPA, a school must consider the request of an eligible student or parent to amend information in the student's education records that is inaccurate, misleading, or in violation of the student's privacy rights.³² If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record, it must inform the requestor of the right to insert a statement in the record with the requestor's comments on the contested information, a statement that the requestor disagrees with the hearing decision, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.³³
 - Under Title IX, a school must respond to a request to amend information related to a student's transgender status consistent with its general practices for amending other students' records.³⁴ If a student or parent complains about the school's handling of such a request, the school must promptly and equitably resolve the complaint under the school's Title IX grievance procedures.³⁵

* * *

We appreciate the work that many schools, state agencies, and other organizations have undertaken to make educational programs and activities welcoming, safe, and inclusive for all students.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/

Vanita Gupta
Principal Deputy Assistant Attorney General for Civil Rights
U.S. Department of Justice

¹ 20 U.S.C. §§ 1681–1688; 34 C.F.R. Pt. 106; 28 C.F.R. Pt. 54. In this letter, the term *schools* refers to recipients of Federal financial assistance at all educational levels, including school districts, colleges, and universities. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that compliance would not be consistent with the religious tenets of such organization. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a).

² Office of Management and Budget, Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf.

³ ED, *Examples of Policies and Emerging Practices for Supporting Transgender Students* (May 13, 2016), www.ed.gov/oese/oshs/emergingpractices.pdf. OCR also posts many of its resolution agreements in cases involving transgender students online at www.ed.gov/ocr/lgbt.html. While these agreements address fact-specific cases, and therefore do not state general policy, they identify examples of ways OCR and recipients have resolved some issues addressed in this guidance.

⁴ 34 C.F.R. §§ 106.4, 106.31(a). For simplicity, this letter cites only to ED’s Title IX regulations. DOJ has also promulgated Title IX regulations. See 28 C.F.R. Pt. 54. For purposes of how the Title IX regulations at issue in this guidance apply to transgender individuals, DOJ interprets its regulations similarly to ED. State and local rules cannot limit or override the requirements of Federal laws. See 34 C.F.R. § 106.6(b).

⁵ See, e.g., *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Oncale v. Sundowner Offshore Servs. Inc.*, 523 U.S. 75, 79 (1998); *G.G. v. Gloucester Cnty. Sch. Bd.*, No. 15-2056, 2016 WL 1567467, at *8 (4th Cir. Apr. 19, 2016); *Glenn v. Brumby*, 663 F.3d 1312, 1317 (11th Cir. 2011); *Smith v. City of Salem*, 378 F.3d 566, 572-75 (6th Cir. 2004); *Rosa v. Park W. Bank & Trust Co.*, 214 F.3d 213, 215–16 (1st Cir. 2000); *Schwenk v. Hartford*, 204 F.3d 1187, 1201–02 (9th Cir. 2000); *Schroer v. Billington*, 577 F. Supp. 2d 293, 306-08 (D.D.C. 2008); *Macy v. Dep’t of Justice*, Appeal No. 012012082 (U.S. Equal Emp’t Opportunity Comm’n Apr. 20, 2012). See also U.S. Dep’t of Labor (USDOL), Training and Employment Guidance Letter No. 37-14, *Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System* (2015), wdr.doleta.gov/directives/attach/TEGL/TEGL_37-14.pdf; USDOL, Job Corps, Directive: Job Corps Program Instruction Notice No. 14-31, *Ensuring Equal Access for Transgender Applicants and Students to the Job Corps Program* (May 1, 2015), https://supportservices.jobcorps.gov/Program%20Instruction%20Notices/pi_14_31.pdf; DOJ, Memorandum from the Attorney General, *Treatment of Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964* (2014), www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/18/title_vii_memo.pdf; USDOL, Office of Federal Contract Compliance Programs, Directive 2014-02, *Gender Identity and Sex Discrimination* (2014), www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html.

⁶ See *Lusardi v. Dep’t of the Army*, Appeal No. 0120133395 at 9 (U.S. Equal Emp’t Opportunity Comm’n Apr. 1, 2015) (“An agency may not condition access to facilities—or to other terms, conditions, or privileges of employment—on the completion of certain medical steps that the agency itself has unilaterally determined will somehow prove the bona fides of the individual’s gender identity.”).

⁷ See *G.G.*, 2016 WL 1567467, at *1 n.1 (noting that medical authorities “do not permit sex reassignment surgery for persons who are under the legal age of majority”).

⁸ 34 C.F.R. § 106.31(b)(4); see *G.G.*, 2016 WL 1567467, at *8 & n.10 (affirming that individuals have legitimate and important privacy interests and noting that these interests do not inherently conflict with nondiscrimination principles); *Cruzan v. Special Sch. Dist. No. 1*, 294 F.3d 981, 984 (8th Cir. 2002) (rejecting claim that allowing a transgender woman “merely [to be] present in the women’s faculty restroom” created a hostile environment); *Glenn*, 663 F.3d at 1321 (defendant’s proffered justification that “other women might object to [the plaintiff]’s restroom use” was “wholly irrelevant”). See also *Palmore v. Sidoti*, 466 U.S. 429, 433 (1984) (“Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.”); *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985) (recognizing that “mere negative attitudes, or fear . . . are not permissible bases for” government action).

⁹ See, e.g., Resolution Agreement, *In re Downey Unified Sch. Dist., CA*, OCR Case No. 09-12-1095, (Oct. 8, 2014), www.ed.gov/documents/press-releases/downey-school-district-agreement.pdf (agreement to address harassment of transgender student, including allegations that peers continued to call her by her former name, shared pictures of her prior to her transition, and frequently asked questions about her anatomy and sexuality); Consent Decree, *Doe v. Anoka-Hennepin Sch. Dist. No. 11, MN* (D. Minn. Mar. 1, 2012), www.ed.gov/ocr/docs/investigations/05115901-d.pdf (consent decree to address sex-based harassment, including based on nonconformity with gender stereotypes); Resolution Agreement, *In re Tehachapi Unified Sch. Dist., CA*, OCR Case No. 09-11-1031 (June 30, 2011), www.ed.gov/ocr/docs/investigations/09111031-b.pdf (agreement to address sexual and gender-based harassment, including harassment based on nonconformity with gender stereotypes). See also *Lusardi*, Appeal No. 0120133395, at *15 (“Persistent failure to use the employee’s correct name and pronoun may constitute unlawful, sex-based harassment if such conduct is either severe or pervasive enough to create a hostile work environment”).

¹⁰ See, e.g., OCR, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (2001), www.ed.gov/ocr/docs/shguide.pdf; OCR, *Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010), www.ed.gov/ocr/letters/colleague-201010.pdf; OCR, *Dear Colleague Letter: Sexual Violence* (Apr. 4, 2011), www.ed.gov/ocr/letters/colleague-201104.pdf; OCR, *Questions and Answers on Title IX and Sexual Violence* (Apr. 29, 2014), www.ed.gov/ocr/docs/qa-201404-title-ix.pdf.

¹¹ See, e.g., Resolution Agreement, *In re Cent. Piedmont Cmty. Coll., NC*, OCR Case No. 11-14-2265 (Aug. 13, 2015), www.ed.gov/ocr/docs/investigations/more/11142265-b.pdf (agreement to use a transgender student’s preferred name and gender and change the student’s official record to reflect a name change).

¹² 34 C.F.R. §§ 106.32, 106.33, 106.34, 106.41(b).

¹³ See 34 C.F.R. § 106.31.

¹⁴ 34 C.F.R. § 106.33.

¹⁵ See, e.g., Resolution Agreement, *In re Township High Sch. Dist. 211, IL*, OCR Case No. 05-14-1055 (Dec. 2, 2015), www.ed.gov/ocr/docs/investigations/more/05141055-b.pdf (agreement to provide any student who requests additional privacy “access to a reasonable alternative, such as assignment of a student locker in near proximity to the office of a teacher or coach; use of another private area (such as a restroom stall) within the public area; use of a nearby private area (such as a single-use facility); or a separate schedule of use.”).

¹⁶ 34 C.F.R. § 106.41(b). Nothing in Title IX prohibits schools from offering coeducational athletic opportunities.

¹⁷ 34 C.F.R. § 106.6(b), (c). An interscholastic athletic association is subject to Title IX if (1) the association receives Federal financial assistance or (2) its members are recipients of Federal financial assistance and have ceded controlling authority over portions of their athletic program to the association. Where an athletic association is covered by Title IX, a school’s obligations regarding transgender athletes apply with equal force to the association.

¹⁸ The National Collegiate Athletic Association (NCAA), for example, reported that in developing its policy for participation by transgender students in college athletics, it consulted with medical experts, athletics officials, affected students, and a consensus report entitled *On the Team: Equal Opportunity for Transgender Student Athletes* (2010) by Dr. Pat Griffin & Helen J. Carroll (*On the Team*), [https://www.ncaa.org/sites/default/files/NCLR_TransStudentAthlete%2B\(2\).pdf](https://www.ncaa.org/sites/default/files/NCLR_TransStudentAthlete%2B(2).pdf). See NCAA Office of Inclusion, *NCAA Inclusion of Transgender Student-Athletes 2*, 30-31 (2011), https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf (citing *On the Team*). The *On the Team* report noted that policies that may be appropriate at the college level may “be unfair and too complicated for [the high school] level of competition.” *On the Team* at 26. After engaging in similar processes, some state interscholastic athletics associations have adopted policies for participation by transgender students in high school athletics that they determined were age-appropriate.

¹⁹ 34 C.F.R. § 106.34(a), (b). Schools may also separate students by sex in physical education classes during participation in contact sports. *Id.* § 106.34(a)(1).

²⁰ 20 U.S.C. § 1681(a)(1); 34 C.F.R. § 106.15(d); 34 C.F.R. § 106.34(c) (a recipient may offer a single-sex public nonvocational elementary and secondary school so long as it provides students of the excluded sex a “substantially

equal single-sex school or coeducational school”).

²¹ 20 U.S.C. § 1681(a)(6)(A); 34 C.F.R. § 106.14(a).

²² 20 U.S.C. § 1686; 34 C.F.R. § 106.32.

²³ See, e.g., Resolution Agreement, *In re Arcadia Unified Sch. Dist., CA*, OCR Case No. 09-12-1020, DOJ Case No. 169-12C-70, (July 24, 2013), www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf (agreement to provide access to single-sex overnight events consistent with students’ gender identity, but allowing students to request access to private facilities).

²⁴ See 34 C.F.R. §§ 106.31(a), 106.31(b)(4). See also, *In re Downey Unified Sch. Dist., CA*, *supra* n. 9; *In re Cent. Piedmont Cmty. Coll., NC*, *supra* n. 11.

²⁵ 34 C.F.R. § 106.31(b)(7).

²⁶ 20 U.S.C. § 1232g; 34 C.F.R. Part 99. FERPA is administered by ED’s Family Policy Compliance Office (FPCO). Additional information about FERPA and FPCO is available at www.ed.gov/fpc.

²⁷ 20 U.S.C. § 1232g(b)(1)(A); 34 C.F.R. § 99.31(a)(1).

²⁸ 34 C.F.R. §§ 99.3, 99.31(a)(11), 99.37.

²⁹ 20 U.S.C. § 1232g(a)(5)(A); 34 C.F.R. § 99.3.

³⁰ Letter from FPCO to Institutions of Postsecondary Education 3 (Sept. 2009), www.ed.gov/policy/gen/guid/fpc/doc/censuslettertohighered091609.pdf.

³¹ 20 U.S.C. § 1232g(a)(5)(B); 34 C.F.R. §§ 99.3, 99.37(a)(3).

³² 34 C.F.R. § 99.20.

³³ 34 C.F.R. §§ 99.20-99.22.

³⁴ See 34 C.F.R. § 106.31(b)(4).

³⁵ 34 C.F.R. § 106.8(b).

Declaration of Luke C. Platzer

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Pat McCrory 
@PatMcCroryNC

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EXHIBIT AF

POLITICS & GOVERNMENT MARCH 24, 2016 6:03 PM

Critics say new law targets LGBT and undermines workplace protections

HIGHLIGHTS

‘Bathroom law’ also eliminates workers’ right to file discrimination complaints in state courts

Experts say bill could set up confrontation with feds over billions in education money

Law’s author says criticism of the new law amounts to exaggerations, lies and ‘BS’





BY MICHAEL GORDON

mgordon@charlotteobserver.com

A law to overturn Charlotte's effort to extend bathroom rights and other protections to the LGBT community has mushroomed into North Carolina's latest civil war over culture and the law.

Critics say the state's new "Public Facilities Privacy & Security Act" discriminates against LGBT North Carolinians while undermining important workplace protections for all workers – rolling back more than 30 years of legal precedent in the process.

The law, introduced by Rep. Dan Bishop, a Charlotte Republican, also prohibits cities from raising the minimum wage or enacting so-called living wages. During a Thursday speech in Charlotte, Mayor Jennifer Roberts said the measure could have a disproportionate impact on women who traditionally are paid less.

Charlotte attorney Jake Sussman said he's not sure Gov. Pat McCrory or GOP legislative leaders "fully contemplated or understood the havoc this law will create." He says the law rewrites the state's workplace discrimination policies, violates Title IX and other federal statutes and throws billions of education dollars and other federal programs into jeopardy.

"That's what happens when you shove groundbreaking legislation down the throats of your colleagues in only a few hours, and when you legislate based on ugly stereotypes," said Sussman, whose firm has sued the state over same-sex marriage and other cultural/legal issues in the past.

Sarah Preston, acting executive director of the state office of the American Civil Liberties Union, said that the new law clearly "comes out of a place of animus to discriminate against certain groups" and demands a legal response.

"We'll be challenging this law," she said. "What's especially troubling and interesting to me is the idea that we are not going to trust local government to assess their community and determine what additional protections might be appropriate."

Bishop said Thursday that his bill corrects a radical change in the state's public accommodations law that the City of Charlotte had no authority to make. It also clarifies state workplace-discrimination statutes that had been broadened and clouded by the courts, he said. Meanwhile, he dismissed the criticisms of the new law by mostly liberal attorneys as exaggerations, lies and "BS."

"For those who insist that we've made some grand, sweeping changes ... they are lying," Bishop said, describing the changes as mostly "trivial, marginal and purely procedural."

While the law eliminates the rights of workers in certain protected groups to sue in state courts over discriminatory employment practices, Bishop said the same legal options remain available in federal courts, with few differences.

At the heart of the debate is language in the law that excludes the LGBT community from the protected classes spelled out in state law. While Bishop and his peers kept wording that upholds a person's right to hold a job free of discrimination on account of "race, religion, color, national origin, age, biological sex or handicap," it eliminates the right of those people to sue under common law in state courts if that right is compromised.

In that way, it tracks the original law, which did not authorize a discriminated party's right to use the state courts. But over the last three decades, federal and state court rulings have allowed workplace-discrimination lawsuits because they involve a breach of public policy, in the same way that a truck driver can't be fired if he refuses to work hours that jeopardize highway safety.

"Up to now, you couldn't fire someone in violation of public policy set out in this statute. That's been taken away in a very sneaky way that had nothing to do with the purpose of this legislation," says John Gresham, a law partner with Sussman who has taught and practiced employment law for more than 40 years.

Critics acknowledge that employees who feel they have been discriminated against can still file complaints with the U.S. Equal Employment Opportunity Commission, which will investigate and decide whether an individual has a case that can be taken to federal court. But Gresham called the federal process onerous and said it can take years to complete. It also gives employees only a six-month window to file a case, compared with three years in the state.

Charlotte attorney John Wester, a registered Republican, says the new state law sets up a potential confrontation between the state and the U.S. government over school money. Federal law already includes sexual orientation and gender identity under sexual-discrimination statutes, he said. Given the amount of federal dollars that stream into the state's colleges and universities, Wester wonders if the Department of Education might now use Title IX, which prohibits discrimination in education programs, as "a weapon against North Carolina."

Bishop, who has announced a bid for the state Senate, says the state's law eliminates no employment rights that are not readily available through the federal portal.

He said the public facilities act resurrects the original intent of the state's discrimination laws and guards against a flurry of "invented classes" that could one day demand legal protections they don't deserve.

Earlier this month, he criticized the Charlotte City Council for "kowtowing to a small group of radical LGBT activists."

"A small group of far-out progressives should not presume to decide for us all that a cross-dresser's liberty to express his gender nonconformity trumps the right of women and girls to peace of mind," he said.

STAFF WRITER MARK PRICE CONTRIBUTED.

Michael Gordon: 704-358-5095, @MikeGordonOBS



Declaration of Luke C. Platzer

EXHIBIT AG



Office of the Attorney General
Washington, D. C. 20530

December 15, 2014

MEMORANDUM

TO: UNITED STATES ATTORNEYS
HEADS OF DEPARTMENT COMPONENTS

FROM: THE ATTORNEY GENERAL 

SUBJECT: Treatment of Transgender Employment Discrimination Claims
Under Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 makes it unlawful for employers to discriminate in the employment of an individual “because of such individual’s . . . sex.” 42 U.S.C. § 2000e-2(a) (prohibiting discrimination by private employers and by state and local governments); 42 U.S.C. § 2000e-16(a) (providing that personnel actions by federal agencies “shall be made free from any discrimination based on . . . sex”). Title VII’s prohibition of sex discrimination is a strong and vital principle that underlies the integrity of our workforce. In a variety of judicial and administrative contexts, however, questions have arisen concerning the appropriate legal standard for establishing claims of gender identity discrimination, including discrimination claims raised by transgender employees.¹

Many courts have recognized that gender identity discrimination claims may be established under a “sex-stereotyping” theory. Following the Supreme Court’s decision in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), courts have interpreted Title VII’s prohibition of discrimination because of “sex” as barring discrimination based on a perceived failure to conform to socially constructed characteristics of males and females. *See, e.g., Smith v. City of Salem*, 378 F.3d 566 (6th Cir. 2004); *Rosa v. Park West Bank & Trust Co.*, 214 F.3d 213 (1st Cir. 2000); *see also Glenn v. Bromby*, 663 F.3d 1312 (11th Cir. 2011). But courts have reached varying conclusions about whether discrimination based on gender identity in and of itself—including transgender status—constitutes discrimination based on sex. *Compare Schroer v. Billington*, 577 F. Supp. 2d 293 (D.D.C. 2008), with *Etsitty v. Utah Transit Auth.*, 502 F.3d 1215 (10th Cir. 2005).

The federal government’s approach to this issue has also evolved over time. In 2006, the Department stated in litigation that Title VII’s prohibition of discrimination based on sex did not cover discrimination based on transgender status or gender identity *per se*; the district court rejected that position. *See Schroer*, 577 F. Supp. 2d at 293. Subsequently, in 2011, the Office of

¹ Guidance from the Office of Personnel Management states that “[t]ransgender individuals are people with a gender identity that is different from the sex assigned to them at birth,” and defines “gender identity” as an individual’s “internal sense of being male or female.” *See* <http://www.opm.gov/diversity/Transgender/Guidance.asp>.

Personnel Management issued guidance announcing that the federal government's policy of providing a workplace free of discrimination based on sex includes a prohibition against discrimination based on gender identity. In 2012, the Equal Employment Opportunity Commission ruled that discrimination on the basis of gender identity is discrimination on the basis of sex. *Macy v. Holder*, Appeal No. 0120120821 (EEOC April 20, 2012). More recently, the President announced that discrimination based on gender identity is prohibited for purposes of federal employment and government contracting. See Executive Order 13672 (July 21, 2014); see also U.S. Dep't of Labor Directive 2014-02 (August 19, 2014).

After considering the text of Title VII, the relevant Supreme Court case law interpreting the statute, and the developing jurisprudence in this area, I have determined that the best reading of Title VII's prohibition of sex discrimination is that it encompasses discrimination based on gender identity, including transgender status. The most straightforward reading of Title VII is that discrimination "because of . . . sex" includes discrimination because an employee's gender identification is as a member of a particular sex, or because the employee is transitioning, or has transitioned, to another sex. As the Court explained in *Price Waterhouse*, by using "the simple words 'because of,' . . . Congress meant to obligate" a Title VII plaintiff to prove only "that the employer relied upon sex-based considerations in coming to its decision." 490 U.S. at 241-242. It follows that, as a matter of plain meaning, Title VII's prohibition against discrimination "because of . . . sex" encompasses discrimination founded on sex-based considerations, including discrimination based on an employee's transitioning to, or identifying as, a different sex altogether. Although Congress may not have had such claims in mind when it enacted Title VII, the Supreme Court has made clear that Title VII must be interpreted according to its plain text, noting that "statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils, and it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed." *Oncale v. Sundowner Offshore Servs.*, 523 U.S. 75, 79 (1998).

For these reasons, the Department will no longer assert that Title VII's prohibition against discrimination based on sex does not encompass gender identity *per se* (including transgender discrimination).² This memorandum is not intended to otherwise prescribe the course of litigation or defenses that should be raised in any particular employment discrimination case. The application of Title VII to any given case will necessarily turn on the specific facts at hand. My hope, however, is that this clarification of the Department's position will foster consistent treatment of claimants throughout the government, in furtherance of this Department's commitment to fair and impartial justice for all Americans.

If you have questions about this memorandum or its application in a case, please contact your Civil Chief or your Component's Front Office.

² "Sex-stereotyping" remains an available theory under which to bring a Title VII claim, including a claim by a transgender individual, in cases where the evidence supports that theory.

Declaration of Luke C. Platzer

EXHIBIT AH

3. Complainant was present on Respondent's premises both as an employee and as a customer. The general public and employees utilize the store's restrooms, which are designated by gender.

4. Since 2007, Complainant implemented a procedure toward transitioning from male to female. In 2009, Complainant had medical treatment from health care providers and other services at Howard Brown Health Center, which resulted in female secondary sex characteristics, including breasts and absence of facial hair.

5. Complainant is a transsexual who presents and identifies as female.

6. In February 2010, Complainant removed the male name from her employee nametag, without objection from Respondent, as not to confuse the customers with the noticeable physical manifestations of the transition.

7. On July 9, 2010, Complainant formally informed Respondent through Edward Slavin, store manager, of her male to female transition and her intent to use the women's restroom.

8. Respondent changed Complainant's personnel records and benefits information to identify her as female. Complainant appears at work in feminine dress and make-up. Employees and employers refer to Complainant by her chosen female name.

9. However, Respondent did not consent to Complainant's use of the store's designated women's restroom, until Complainant produced legal authority mandating its use to her.

10. On July 12, 2010, Complainant had her name legally changed to "Meggan Renee Sommerville," by order of the Circuit Court of Kendall County, Illinois.

11. On July 29, 2010, the State of Illinois issued its driver's license identifying Complainant as female.

12. In July 2010, Complainant obtained a new social security card with her female name.

13. In July 2010, Complainant produced to Anna Lee Miller, Respondent's Human Resources Specialist, a copy of the Illinois Human Rights Act, related statutes from Iowa and Colorado, a copy of her revised Illinois driver's license, her social security card, and her court ordered name change. The material submitted also included a letter dated July 21, 2015, from Kristin Koglovitz, Clinic Director of Howard Brown Health Center, who identified and verified Complainant as a female transgender individual, described the transition process, and advocated Complainant's use of the women's restroom at Respondent's store.

14. On July 30, 2010, Miller instructed Complainant to communicate with Respondent's legal office and, despite the information submitted, she was not permitted to use the women's restroom.

15. Complainant used the women's facilities at nearby businesses.

16. On February 23, 2011, Complainant was given a written warning for entering Respondent's women's restroom.

17. During the course of litigation, Respondent changed its precondition for the use of the women's facilities from producing legal authority to surgery. In 2014, Respondent modified its condition option to changing her birth certificate.

18. In December 2013 or January 2014, Respondent had built a "unisex" restroom for Complainant's use.

19. As of this Recommended Liability Determination, Complainant is still not permitted to use Respondent's women's restroom facilities as an employee or customer.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter.
2. Complainant established direct evidence of sexual related identity discrimination by Respondent preventing Complainant's access and use of the women's restroom at Respondent's store.

DISCUSSION

SUMMARY DECISION STANDARD

Under section 8-106.1 of the Human Rights Act, either party to a complaint may move for summary decision. 775 ILCS 5/8-106.1. A summary decision is analogous to a summary judgment in the Circuit Courts. Cano v. Village of Dolton, 250 Ill.App.3d 130, 138, 620 N.E.2d 1200, 1206 (1st Dist. 1993).

A motion for summary decision should be granted when there is no genuine issue of material fact and the moving party is entitled to a recommended order in its favor as a matter of law. Fitzpatrick v. Human Rights Comm'n, 267 Ill.App.3d 386, 391, 642 N.E.2d 486, 490 (4th Dist. 1994). All pleadings, affidavits, interrogatories, and admissions must be strictly construed against the movant and liberally construed in favor of the non-moving party. Kolakowski v. Voris, 76 Ill.App.3d 453, 456-57, 395 N.E.2d 6, 9 (1st Dist. 1979). Although not required to prove her case as if at a hearing, the non-moving party must provide some factual basis for denying the motion. Birck v. City of Quincy, 241 Ill.App.3d 119, 121, 608 N.E.2d 920, 922 (4th Dist. 1993). Only facts supported by evidence, and not mere conclusions of law, should be considered. Chevrie v. Gruesen, 208 Ill.App.3d 881, 883-84, 567 N.E.2d 629, 630-31 (2d Dist. 1991). If a respondent supplies sworn facts that, if uncontroverted, warrant judgment in its favor as a matter of law, a complainant may not rest on her pleadings to create a genuine issue of material fact. Fitzpatrick, 267 Ill.App.3d at 392, 642 N.E.2d at 490. Where the party's affidavits stand uncontroverted, the facts contained therein must be accepted as true and, therefore, a party's failure to file counter-affidavits in response is frequently fatal to her case. Rotzoll v. Overhead Door Corp., 289 Ill.App.3d 410, 418, 681 N.E.2d 156, 161 (4th Dist. 1997). Inasmuch as summary decision is a drastic means for resolving litigation, the movant's right to a summary decision must be clear and free from doubt. Purtill v. Hess, 111 Ill.2d 229, 240 (1986).

Summary of Issues

Complainant is a transsexual, who presents and identifies as female, was and is denied access to Respondent's women's restroom at its store, both in her capacity as an employee and a customer. Complainant alleges such disparate treatment is contrary to the Act in terms and conditions of Complainant's employment and a denial of the full and equal enjoyment of a public accommodation.

Respondent contends the Act does not require it as an employer or as a public accommodation to permit Complainant, a transgender person, to use its store's restroom other than the one designated for her birth gender, male, or until she undergoes anatomical surgery.

Act's Interpretation

"The Illinois Human Rights Act is remedial legislation that must be construed liberally to effectuate its purpose." Nuraoka v. Illinois Human Rights Commission, 252 Ill.App.3d 1039, 625 N.E.2d 251 (1st Dist. 1993) citing, Nielsen Co. v. Public Building Commission of Chicago, 81 Ill.2d 290, 410 N.E.2d 40 (1980).

A primary rule of statutory construction is to give effect to the words selected by the General Assembly and its intent. "No word or paragraph should be interpreted so as to be rendered meaningless." Boaden v. Illinois Department of Law Enforcement, 171 Ill.2d 230, 664 N.E.2d 61 (1996); Sangamon County Sheriff's Department v. Illinois Human Rights Commission et al., 233 Ill.2d 125, 908 N.E.2d 39, (2009), citing Wade v. City of North Chicago Police Pension Board, 226 Ill.2d 485, 877 N.E.2d 1011 (2008). The best indication of the legislature's intent is the language of the statute, which must be given its plain and ordinary meaning. Id., citing Cinkus v. Village of Stickney Municipal Officers Electoral Board, 228 Ill.2d 200, 886 N.E.2d 1011 (2008).

Discrimination Defined

Section 1-102(A) of the Act provides that it is the "public policy" of this State to "secure for all individuals within Illinois the freedom from discrimination against any individual because

of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, *sexual orientation*, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.” (Emphasis added.) ¹

Section 1-103 (O-1) of the Act defines “sexual orientation,” in pertinent part, as “gender related identity, whether or not traditionally associated with the person’s designated sex at birth.”

Section 2-102(A) of the Act provides it is a “civil rights violation” for “any employer ...to segregate...discipline ...terms, privileges or conditions of employment on the basis of unlawful discrimination ...”

Section 5-102 (A) of the Act provides it is a “civil rights violation” to “deny or refuse to another the full and equal enjoyment of the facilities... and services of any public place of accommodation.”

Statutory Interpretation

Article 2, Employment

Respondent’s first statutory argument is that the Act does not address whether a transgender employee has the right to use a restroom other than the restroom associated with the person’s sex at birth, “thus, leaving the matter to the employers’ discretion.” ²

The opposite is correct; Article 2, employment, is meant to be broad with noted exceptions, which does not exclude the use of restrooms by transsexuals.

Respondent has not revealed any pertinent limitations of Section 2-102(A), Civil Rights Violations relating to Section 1-102(A), Freedom from Unlawful Discrimination or Section 1-103 (O-1), Sexual Orientation, in which sexual related identity is part. As read, sexual related

¹ All of the statutory classes were purposely cited, as each are equally protected and enforced under the Act.

² Respondent cites an Article 5, Public Accommodation, clauses, Section 5/5-102(A) and 5/5-103(B) for its Article 2, Employment, argument; this statutory authority is misplaced.

identity is protected against all statutory employment civil rights violations, “whether or not traditionally associated with the person’s designated sex at birth.” *Id.*

There is no special treatment based on sexual orientation here, only the basic treatment of any employee. Section 1-101.1 of the Act. The basic right to use a restroom, as a term and condition of employment, is discussed below.

Significantly, Respondent failed to note that if the legislature wished to limit Article 2, it would have done so under Section 2-104, *Exemptions*. (Emphasis added.) It did not.

Therefore, an employee’s rights under sexual orientation, including sexual related identity, is broadly interpreted and protected against all listed civil rights violations. *Id.*

Article 5 – Public Accommodations

Complainant averred that she was both an employee and customer of Respondent, and that the women’s restroom was available to the general public. Respondent does not counter Complainants allegations, and they are accepted as true. Rotzoll, *supra*.

The interpretation of Article Five is limited to the facts of this case, and the issue before me.

Article 1, General Provisions and Definitions, relate to the entire Act. Thus, Section 1-102 (A), Freedom from Unlawful Discrimination; Section 1-103 (D), Civil Rights Violations; Section 1-103 (O), Sex; and Section 1-103 (O-1) Sexual Orientation, are pertinent to Article 5, Public Accommodation.

It has been established that Respondent is a statutory public accommodation and that it cannot “deny or refuse to another (customer) the full and equal enjoyment of the facilities, goods and services of any public place of accommodation.” Section 5-102 (A) Enjoyment of Facilities, Goods and Services.

However, Section 5-103 (B), Facilities Distinctly Private, sets out an exemption to an Article 5 civil rights violation. “Nothing in this Article shall apply to: Any facility, as to discrimination based on sex, which is distinctly private in nature such as restrooms, shower

rooms, bath houses, health clubs and other similar facilities for which the Department, in its rules and regulations, may grant exemption based on bona fide consideration of public policy.”

Respondent contends that being anatomically correct makes a female, as that was and is Respondent's prerequisite before Complainant could be able to use the women's restroom. However, absence of male genitalia does not make a female, as that could occur by illness or injury.

Moreover, enforcement of Respondent's approach is inherently problematic. Broad customer screening could prove difficult, whether by merely asking the customer if they were transsexual or using a version of “stop and frisk” prior to the facility's use.

Section 1-102(O) reads that “Sex means the status of being male or female.” However, the definition of sex must incorporate Section 1-103 (O-1), “gender related identity, whether or not traditionally associated with the person's designated sex at birth.” Thus, it is not relevant what the person's sex was at the time of birth. Sex relates to a person's sexual related identity, which is discussed below.

The same reasoning is used to dismiss the third condition of Respondent's prior to Complainant's use of its women's facility. Respondent required Complainant to change her birth certificate to reflect her current sexual identity. Complainant's birth gender is academic and is not relevant here.

Discrimination Standards – Sexual Identity

It is not necessary to discuss *prima facie* elements, as this is a rare case where there is no disagreement as to Respondent's action.

Direct Method of Proof

There are two methods for proving discrimination, direct and indirect. Sola v. Illinois Human Rights Commission, 316 Ill.App.3d 528, 736 N.E.2d 1150, (1st Dist. 2000).

Under the direct approach, Complainant must present sufficient evidence, direct or circumstantial, without reliance upon inference or presumption, to allow a trier of fact to decide

that her sexual related identity was a motivating factor in Respondent's alleged adverse act. Id. A review of what an employer did and/or said regarding a particular employment decision is required. Where there is direct evidence of discrimination, it is unnecessary to use the three-part analysis. Catherine Littlejohn and Wal-Mart Stores, IHRC, ALS No. 9929, November 4, 2009.

Direct evidence is unique as "it essentially requires an admission by the decision maker that his actions were based on the prohibited animus...." Davy Cady and Northeastern Illinois University, IHRC, ALS No. 10589, February 1, 2005, quoting Haywood v. Lucent Tech, Inc., 169 F. Supp.2d 890, 907 (N.D. Illinois 2001), citing Radue v. Kimberly Clark Corp., 219 F. 3d 612, 616 (7th Cir. 2000). (A notice for a teaching position required that candidates "need to be minority."); Melvin Osborne and Robert Boudreaux and Steve's Old Time Tap, IHRC, ALS No. S-11225, April 25, 2001. (The reason as to why complainants were directed to leave the tavern was based on race as they were told, "I own this place and you get your Black asses out of here.")

Analysis

The evidence in this case establishes that Respondent's decision forbidding Complainant access and use of its women's restroom violated the Act, under the direct method of proof. Respondent's motive for its decision was and is Complainant's sexual related identity, female, a decision that should have been made irrespective of her designated sex at birth, male. Respondent substantially relied on a prohibited factor in its decision. Lalvani v. Illinois Human Rights Commission, 324 Ill.App.3d 774, 755 N.E.2d 51 (1st Dist. 2001).

"There is no surer way to find out what the parties meant, than to see what they have done." Eric Sprinkle and Rivers Edge Complex, Inc., IHRC, ALS No. 10565, August 7, 2000, quoting Brooklyn Life Insurance Co. v. Dutcher, 95 U.S. 269, 273 (1877). In this case, the facts are straightforward.

It has been established that Complainant is a transgender woman, acknowledged as such by Respondent in both words and acts. By July 2010, Complainant had been an employee of Respondent for twelve years, and her transition from male to female was advanced and apparent, as she had physical characteristics in conformity with her gender identity.

In July 2010, after Complainant's discussion with the store's manager and as a result of it, Respondent changed Complainant's personnel records and benefits information to reflect her transition to female. Employees and employers referred to Complainant as "Meggan," her chosen female name, and she performed her assigned duties in feminine dress and makeup.

However, Complainant's request for access to Respondent's women's restroom in its store was denied. Instead, Respondent created its first precondition. It demanded from Complainant presentment of legal authority that would mandate it to allow a transgender person the use of a store's designated restroom different from that of the person's birth gender.

In response, Complainant submitted a copy of her court ordered name change, along with a driver's license and a social security card reflecting that change. Moreover, a written medical explanation and verification of her transition from Howard Brown Health Center was submitted, with its recommendation that Complainant be permitted to use Respondent's facility. Finally, a copy of the Illinois Human Rights Act was presented, along with other states' laws on the topic of sexual identity.

Respondent merely directed Complainant to its legal department. To this day, Complainant is being forced to use the restrooms available in other unrelated stores or, since January 2014, a "unisex" restroom. The prohibition is enforced by threat of employment discipline. For example, in February 2011, Complainant received a written warning because of her attempt to use the women's facility.

Other Arguments

The totality of this order addresses the legal authority that mandates Respondent to grant Complainant access to its women's restroom both as employee and customer, but other arguments of significance also were raised.

Respondent added anatomical surgery to the list of preconditions it demanded of Complainant. However, nothing in the Act makes any surgical procedure a prerequisite for its protection of sexual related identity. Therefore, Respondent's unilateral surgical requirement is untenable.

Respondent also raised a concern about a woman employee expressing "discomfort" with Complainant being present in the women's restroom. However, a co-worker's discomfort cannot justify discriminatory terms and conditions of employment. The prejudices of co-workers or customers are part of what the Act was meant to prevent. Raintree Health Care Center v. Illinois Human Rights Commission, 173 Ill.2d 469, 672 N.E.2d 1136, (1996) and Eric Sprinkle and Rivers Edge Complex, Inc., IHRC, ALS No.10565, August 7, 2000, (HIV medical condition and loss of customers); Jack Haynes and City of Springfield, Office of Public Utilities, IHRC, ALS No. 7304 (S), April 3, 1998 (unwillingness to be supervised by a black man).

In 2014, Respondent built a "unisex" single use restroom for Complainant, which segregates only her because of her gender related identity, and perpetuates different treatment, contrary to the Act.³

Respondent's prohibition and/or segregation of Complainant to a "unisex" restroom is an adverse act and subjects her to different terms and conditions than similarly situated non-transgender employees. Access to restrooms, if available, is a major and basic condition of employment. DeClue v. Central Illinois Light Company, 223 F.3d 434 (7th Cir. 2000) and OSHA, Interpretation of 20 C.F.R. 1910.141 Section (c)(1)(i): Toilet Facilities (April 4, 1998)).

³ However, the "unisex" restroom may resolve any concern by those who are allegedly uncomfortable by Complainant, by giving them the option of using it.

Therefore, I find that Respondent's decision to restrict Complainant's access to the women's restroom on account of her gender related identity violated the Act as it concerns both employment and public accommodation. I further find that the record contains direct evidence related to both counts of the complaints that the decision was based on the gender related identity of the Complainant.

RECOMMENDATION

Based upon the foregoing, there are no genuine issues of material fact and Complainant is entitled to a recommended order in her favor as a matter of law.

IT IS HEREBY ORDERED:

1. Respondent's motion for summary decision is denied;
2. Complainant's motion for summary decision is granted;
3. A status hearing is set for June 25, 2015, at 10:00 a.m. when a damages

hearing date will be set.

HUMAN RIGHTS COMMISSION

BY: 
WILLIAM J. BORAH
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: May 15, 2015

ALS NO(S): 13-0060 (C)
CHARGE NO(S): N/A
EEOC NO (S): 2011CN2993,2011CP2994
CASE NAME: SOMMERVILLE VS. HOBBY
LOBBY STORES

MEMORANDUM OF SERVICE

The undersigned certified that on **May 19, 2015** she **re-served** a copy of the attached **RECOMMENDED LIABILITY DETERMINTAION** on each person named below by depositing the same in the U.S. mail box at **100 W. Randolph St., Suite 5-100, Chicago, Illinois**, properly posted for **FIRST CLASS MAIL**, addressed as follows:

Sonya Rosenberg
Gray I. Mateo-Harris
Neal, Gerber & Eisenberg LLP
2 North LaSalle St., Suite 1700
Chicago, IL. 60602

Jacob Meister
Katherine Eder
Jacob Meister & Associates
2129 N. Western Avenue
Chicago, IL. 60647

INTER-OFFICE MAIL TO:

Tomas Ramirez
Staff Attorney
Illinois Department of Human Rights
100 W. Randolph St., Suite 10-100
Chicago, IL. 60601

ALJ:



Shantelle Baker
Signature

Declaration of Luke C. Platzer

EXHIBIT AI



Documenting Discrimination on the Basis of Sexual Orientation and Gender Identity in State Employment

This report addresses whether there has been a widespread and persistent pattern of unconstitutional discrimination by state governments on the basis of sexual orientation and gender identity. This finding will support Congress in exercising its authority under Section 5 of the 14th amendment to provide a private right of action for damages under H.R. 3017, the Employment Non-Discrimination Act of 2009 (“ENDA”), to state government employees who have suffered discrimination.

This report is the result of research conducted during 2008 and 2009 by the Williams Institute.¹ In addition, ten different law firms assisted with the project, with offices and attorneys from across the country.² Also making contributions were scholars and experts from a number of academic disciplines, including history, political science, economics, sociology, and demography. The research resulted in a set of reports on employment law and discrimination on the basis of sexual orientation and gender identity for each of the fifty states, which are included as Appendices to this report. Based on these fifty state reports, plus additional studies conducted by the William Institute, literature reviews, and research projects conducted by the firms, we drafted and reviewed the following papers, presented here as a series of chapters summarizing the research findings. Based on this analysis, we conclude that:

- There is a widespread and persistent pattern of unconstitutional discrimination on the basis of sexual orientation and gender identity against state government employees;
- There is no meaningful difference in the pattern and scope of employment discrimination against LGBT people by state governments compared to the private sector and other public sector employers; and
- The list of documented examples that we have compiled far under-represents the actual prevalence of employment discrimination against LGBT people by state and local governments.

These conclusions are based on the following findings:

¹ The principal co-investigators were Brad Sears, Executive Director of the Williams Institute, Professor Nan Hunter, Georgetown Law Center, and Christy Mallory, Williams Institute Law Fellow.

² Alston & Bird LLP, Bryan Cave LLP, Dewey & LeBeouff LLP, DLA Piper LLP, Irell & Manella LLP, Kirkland & Ellis LLP, Latham & Watkins LLP, Manatt, Phelps & Phillips, LLP, Mayer Brown LLP, O'Melveny & Myers LLP.

State governments are the largest in employer in every state. There are over 400,000 LGBT state employees.

- According to data from the 2007 American Community Survey, over 6.2 million Americans are state employees. In every state, the state government is the largest employer.
- Using data from the 2000 Census and the 2002 National Survey of Family Growth, in September 2009, the Williams Institute estimates that there are approximately 418,000 LGBT state government employees in the United States.
- There are also an estimated 585,000 local government employees, for a total of slightly more than 1 million state and local LGBT employees. There are just under 7 million LGBT private employees and just over 200,000 LGBT people working for the federal government.

Courts and legal scholars have concluded that sexual orientation is not related to an individual's ability to contribute to society or perform in the workplace.

- We document 15 federal and state courts and a number of legal scholars that have concluded that sexual orientation is not related to an individual's ability to contribute to society or perform in the workplace. Every court that has considered this criteria when determining whether sexual orientation is a suspect class has reached the same conclusion.
- For example, in 2008, the Connecticut Supreme Court found that “the characteristic that defines the members of this group—attraction to persons of the same sex—bears no logical relationship to their ability to perform in society, either in familial relations or otherwise as productive citizens.”³
- Similarly, in 2004, a justice on the Montana Supreme Court, found that “there is no evidence that gays and lesbians do not function as effectively in the workplace or that they contribute any less to society than do their heterosexual counterparts.”⁴

When state employers discriminate against LGBT people in the workplace, a cluster of constitutional rights are implicated, including those protected by the Equal Protection Clause, the First Amendment, and the Due Process Clause.

- **Courts have found that discrimination by state employers on the basis of sexual orientation violates the Equal Protection Clause. For example,**

³ *Id.* at 432.

⁴ *Snetsinger v. Mont. Univ. Sys.*, 104 P.3d 445, 455-456 (Mont. 2004) (concurring opinion).

- A railroad ticket agent sued the Long Island Railroad, a state employer, for failing to address sexual orientation harassment in the workplace. In 2006, a U.S. District Court, relying on the U.S. Supreme Court's 1996 decision, *Romer v. Evans*,⁵ denied the Railroad's summary judgment motion and found that adverse differential treatment of a gay employee in the absence of any legitimate policy justification would violate the Equal Protection Clause.⁶ The ticket agent alleged that he was referred to by several people in the office as a "f***** faggot" and "a queer."
- In 2001, a lesbian brought an action against her former employer, a hospital district, for wrongful termination based on sexual orientation alleging state and federal equal protection clause violations. She and her immediate supervisor, Nan Miguel, were both terminated for opposing the hospital's discriminatory treatment of her. The director of the radiology department made several derogatory comments, including calling her a "f***** faggot" a "f***** dyke" and a "queer." The Washington Court of Appeals held that she had raised material issues of fact with respect to whether the hospital and the doctor were "state actors" for her federal claims and remanded the case for trial.⁷ The hospital eventually settled with Davis for \$75,000.⁸
- In 1995, Justice Sotomayor, then a judge for the Southern District of New York, denied a motion to dismiss a case where the plaintiff had been fired from his job as a prison kitchen worker because he was gay. Criticizing the defendants' argument that removing the plaintiff was rationally related to preserving mess hall security, Sotomayor stated that a "person's sexual orientation, standing alone, does not reasonably, rationally or self-evidently implicate mess hall security." She also rejected the defendants' qualified immunity defense, stating that "the constitutional right not to be discriminated against for any reason, including sexual orientation, without a rational basis is an established proposition of law."⁹
- **Courts have also found that discrimination against LGBT people violates the Equal Protection Clause when employers engage in impermissible discrimination on the basis of sex and sex stereotyping. For example,**
 - A Legislative Editor for the Georgia General Assembly's Office of Legislative Counsel was fired after she was diagnosed with gender identity disorder and began appearing (upon a doctor's orders) at work as a woman prior to undergoing gender reassignment surgery. Since 2005, she had

⁵ 517 U.S. 620 (1996).

⁶ *Pugliese v. Long Island Rail Road Co.*, 2006 WL 2689600 (Sept. 29, 2006 E.D.N.Y.).

⁷ *Miguel v. Guess*, 112 Wn. App. 536, (Wash. Ct. App. 2002); *Miguel v. Guess*, 51 P.3d 89 (Wash. Ct. App. 2002).

⁸ ACLU, *Following ACLU Lawsuit, Lesbian Illegally Fired from Washington Hospital Received Generous Settlement* (Oct. 8, 2003), <http://www.aclu.org/lgbt/discrim/12359prs20031008.html>.

⁹ *Holmes v. Artuz*, 1995 WL 634995 (S.D.N.Y. Oct. 27, 1995).

been responsible for editing proposed legislation and resolutions for the Georgia Assembly. In 2009, in rejecting the state's motion to dismiss, a U.S. District Court ruled that the editor's complaint "clearly states a claim for denial of equal protection" under the 14th Amendment on alternative theories of discrimination on the basis of sex and a medical condition.¹⁰ The court summarized the grounds for termination as, "In the view of Glenn's employers, gender transition surgery and presentation as a woman in the workplace would be seen as immoral... and would make other employees uncomfortable."¹¹ The court the held that "Unequal treatment fails even the most deferential equal protection review when the disadvantage imposed is born of animosity toward the class of persons affected," quoting the Supreme Court's opinion in *Romer v. Evans*^{12, 13}.

- Two 16-year-old twin brothers who were subject to "a relentless campaign of harassment by their male co-workers," sued the city they were working for, alleging intentional sex discrimination.¹⁴ The plaintiffs alleged that their harassment included being called "queer" and "fag," comments such as, "[a]re you a boy or a girl?" and talk of "being taken 'out to the woods'" for sexual purposes. One plaintiff wore an earring and was subject to more ridicule than his brother, and was once asked whether his brother had passed a case of poison ivy to him through intercourse. The verbal taunting turned physical when a co-worker grabbed one of the plaintiff's genitals to determine "if he was a girl or a boy." When the plaintiffs failed to return to work, supervisors terminated their employment. The Seventh Circuit noted that "a homophobic epithet like 'fag,' ... may be as much of a disparagement of a man's perceived effeminate qualities as it is of his perceived sexual orientation." The court found that a "because of" nexus between the allegedly proscribed conduct and the victim's gender could be inferred "from the harassers' evident belief that in wearing an earring, [the brother] did not conform to male standards."¹⁵
- A housing and nuisance inspector for the Bureau of Development Services of Portland settled her lawsuit based on sexual orientation and sex stereotyping harassment for \$150,000 after her Title VII claim survived summary judgment in a U.S. District Court.¹⁶ At work, she did not wear makeup, had short hair and wore men's clothing. Her supervisors made

¹⁰ *Glenn v. Brumby*, 2009 U.S. Dist. LEXIS 54768 (N.D. Ga. 2009).

¹¹ *Id.*

¹² *Romer v. Evans*, 517 U.S. 620 (1996).

¹³ *Glenn*, 2009 U.S. Dist. LEXIS 54768.

¹⁴ *Doe v. City of Belleville*, 119 F.3d 563 (7th Cir. 1997), *vacated*, 523 U.S. 1001 (1998). The U.S. Supreme Court vacated and remanded to the Seventh Circuit for further consideration in light of *Oncale v. Sundowner Offshore Services* *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998) (holding that same-sex sexual harassment is actionable under Title VII).

¹⁵ *Id.*

¹⁶ LESBIAN & GAY L. NOTES (Dec. 2004), *available at* <http://www.qrd.org/qrd/usa/legal/lgl/12.04>.

remarks such as that her shirt looked “like something her father would wear” and “are you tired of people treating you like a bull dyke[?]” She also alleged her co-workers harassed her, calling her a “bitch,” saying loudly that they were “surrounded by all these fags at work,” and asking her “would a woman wear a man’s shoes?” In holding for the inspector, the court noted that, for the purpose of Title VII analysis, it was irrelevant whether or not the harassers were motivated by plaintiff’s sexual orientation, as sexual orientation, alone, is not actionable under Title VII. However, the court held that gender stereotyping “constitutes actionable harassment.”¹⁷

- **Courts have held in a number of cases that discrimination against LGBT public employees has also infringed on the First Amendment rights of expression and association. For example,**
 - In 2007, a volleyball coach was awarded \$5.85 million in damages in her discrimination suit against Fresno State University after the University refused to renew her contract. The coach had alleged that this was a result of her advocacy of gender equity in the funding of women’s sports as well as her perceived sexual orientation.¹⁸
 - Paul Scarbrough, a director/superintendent of schools for the Morgan County School Board, was not selected to continue in his position because of the public outrage that resulted after he was invited to speak at a convention hosted by a church with predominantly gay and lesbian members. At the time, Scarbrough was unaware that the church had a predominately gay and lesbian congregation. He was ultimately unable to accept the invitation, however, approximately a month later, a newspaper published an article announcing—incorrectly—that he would be a speaker at the convention. After this article ran, school board members began receiving criticisms regarding him. In response, he provided written statements to two newspapers explaining the inaccuracies of the article and noting that he did not endorse homosexuality, but he would not refuse to associate with LGBT people. When Scarbrough was then not selected by the school board to continue as Superintendent/Director, he sued and won a judgment from the U.S. Court of Appeals for the Sixth Circuit.¹⁹
- **In addition, some of the examples of discrimination include cases where employees Due Process Rights are violated, both their right to adequate procedures prior to being terminated, and substantive due process rights of liberty in intimate association and privacy recognized by the Supreme Court in *Lawrence v. Texas*.**

¹⁷ *Fischer v. City of Portland*, 2004 U.S. Dist. LEXIS 20453 (D. Or. 2004).

¹⁸ LESBIAN & GAY L. NOTES (Summer 2007).

¹⁹ *Scarbrough v. Morgan County Bd of Educ.*, 470 F.3d 250 (6th Cir. 2007).

- A state employee of a community college in Delaware was fired on the basis of a same-sex sexual harassment claim. He filed suit alleging he was denied a proper pre-termination hearing on the charges. A jury awarded that he be reinstated to his teaching position and \$134,081 in back pay.²⁰
- In 1995, an applicant for police department job filed a right to privacy action against a police official. She alleged that during her application for a job as a police officer, she was asked, "What exactly are your sexual practices and preferences?" The District Court held that such inquiries had, indeed, violated her right to privacy, but that the police official was entitled to qualified immunity. On appeal, the Second Circuit reasoned that since the conduct had occurred in 1995, a reasonable official would not have known the conduct was constitutionally proscribed.²¹
- An administrator of the City of Petersburg's Community Diversion Incentive Program was fired in 1986 for refusing to answer questions about her sexual orientation as part of a city background check. She had already been in her position for three years when asked to complete the questionnaire. When she refused, she was suspended but then reinstated because the City Manager determined that her position did not require a background check. However, at the same time he changed city policy to require her to have one. When she again refused, she was terminated. In 1990, the 4th Circuit relied upon *Bowers v. Hardwick* in holding that she had no right to privacy with respect to this information although it did note that the relevance of this information was "uncertain".¹⁹ In 2003, the United States Supreme Court held that *Bowers v. Hardwick* was wrong when it was decided in 1986.²²

Beginning with purges of thousands of LGBT employees from public employment in the 1950s and 60s, LGBT people have experienced a long history of explicit and pervasive discrimination by federal, state, and local government employers. Moreover, state laws, including sodomy laws and morality requirements for state-issued occupational licenses, provided the basis for extensive discrimination against LGBT employees in the public and private sectors.

- The “Lavender Scare” was a part of the anti-communist campaigns during the 1950s and 60s, during which the federal government fired thousands of LGBT federal employees and denied jobs to tens of thousands of more. For example, the State Department dismissed over twice as many employees for being suspected homosexuals as being suspected communists. During this period, the “loyalty oaths” required by the federal government of all employees and contractors, which included questions about homosexuality, spread to state,

²⁰ *McDaniels v. Delaware County Cmty. Coll.*, 1994 WL 675292 (E.D. Pa. Nov. 21, 1994).

²¹ *Eglise v. Culpin*, 2000 WL 232798, at *1 (2d Cir. Feb. 28, 2000).

²² *Walls v. City of Petersburg*, 895 F.2d 188 (4th Cir. 1990).

local, and private employers, eventually impacting as much as 20% of the U.S. workforce.

- Federal agencies could deny LGBT people employment until 1975, when the Civil Service Commission issued guidelines prohibiting sexual orientation, but not gender identity, discrimination. Federal agencies still had policies of denying security clearance to LGBT people until the 1990s. The Department of Defense, the Secret Service, and the FBI still had discriminatory security clearance policies until 1995, when President Clinton issued an Executive Order barring the federal government from denying security clearance simply on the basis of sexual orientation.
- Purges of state and local public employees during the 1950s and 1960s, similar to the Lavender Scare, have been documented across the country, including in California, Florida, Idaho, Iowa, Oklahoma, Massachusetts, North Carolina, and Texas. For example, beginning in 1958, a Florida legislative investigation committee known as the “Johns Committee,” interrogated 320 suspected gay men and lesbians over a five year period. Countless state employees, teachers, hospital workers, and others lost their jobs as a result. Near the end of its tenure, the Johns Committee announced that it had revoked seventy-one teachers’ certificates with sixty-three more cases pending; fourteen professors had been removed from state universities with nineteen cases pending; and thirty-seven federal employees had lost their jobs, while fourteen state employees faced removal in pending cases. State laws and policies explicitly prohibiting LGBT people from public employment continued in some states until the 1990s, including in Oklahoma, New York, South Carolina, and West Virginia.
- State sodomy laws were also used to deny jobs to LGBT employees in the public and private sector. The mere potential that an applicant or employee could violate a state sodomy statute was sufficient grounds to deny employment. The substantial obstacle that state sodomy laws created for LGBT people in obtaining employment was recognized by the Supreme Court in *Lawrence v. Texas*, when it overturned the remaining sodomy laws in the United States. This direct burden that state sodomy laws placed on employment opportunities for LGBT people was also recognized by the highest courts in Arkansas, Maryland, Massachusetts, Minnesota, Montana, and Tennessee when they overturned state sodomy laws.
- One of the areas where sodomy laws presented almost insurmountable barriers to openly LGBT people in public employment was law enforcement. Federal, state and local law enforcement agencies adopted policies stating that it was incompatible for LGBT people, as actual or potential felons, to serve in law enforcement. Explicit discriminatory policies ranged from those in Dallas, Texas successfully challenged in the 1980s and 90s to a policy prohibiting employment of officers in Puerto Rico who even associated with homosexuals

that was not overturned until 2001. The legacy of this history of discrimination is clearly demonstrated in Chapter 12 of this report. Over 40% of the almost 400 examples of discrimination against state and local employees presented in Chapter 12 involve law enforcement and corrections officers.

- Morality requirements for state-issued occupational licenses also provided a substantial barrier to LGBT people in public and private employment. Under these requirements, set by state law, LGBT people in dozens of professions, ranging from lawyers, teachers, and doctors to pilots, realtors, and hairdressers, were considered immoral and had their licenses either denied or revoked. This form of discrimination had a disproportionate impact on public employees: a 2006 survey revealed that over 40% of public employees in the United States are in professions requiring professional licenses.
- One sector where discrimination in state-issued occupational licenses has had the biggest impact is education. Explicit state laws or policy statements that LGBT people could not receive state teaching credentials date from those of California and Florida in the 1950s to a West Virginia Attorney General Opinion in 1983 stating that that homosexual teachers were “immoral” and an Oklahoma law barring LGBT people from teaching that was not repealed until 1989. The legacy of this form of discrimination is also clearly demonstrated in Chapter 12: over 27% of the almost 400 documented examples of discrimination involve employees of public schools and universities.

Courts have unanimously found that LGBT people have experienced a long history of discrimination.

- Every state and federal court that has substantively considered whether sexual orientation is a suspect class has held that LGBT people have faced a long history of discrimination. In addition, dozens of legal scholars have reached the same conclusion. In making these determinations, many of these courts and scholars have explicitly considered employment discrimination by public employers, including state, local, and federal government employers.
- Judicial opinions from appellate courts in seven states - including six of those states’ highest courts - have all agreed that LGBT people have faced a long history of discrimination, no matter how they ultimately ruled on whether sexual orientation is a suspect classification.
- For example, in 2008, Maryland’s highest court found that “[h]omosexual persons have been the object of societal prejudice by private actors as well as by the judicial and legislative branches of federal and state governments”²³

²³ *Conaway v. Deane*, 932 A.2d 571, 609 (Md. 2007).

and that “homosexual persons, at least in terms of contemporary history, have been a disfavored group in both public and private spheres of our society.”²⁴

- Similarly, in 1995, the Sixth Circuit concluded, “Homosexuals have suffered a history of pervasive irrational and invidious discrimination in government and private employment, in political organization and in all facets of society in general, based on their sexual orientation.”²⁵

Based on their own research, many state and local government officials have also concluded that LGBT people have faced widespread discrimination in public employment.

- A number of state and local elected officials, legislative bodies, and special commissions have issued findings of widespread discrimination against LGBT people in their jurisdictions, including discrimination in public employment. We document 29 examples of such findings from 17 different states.
- For example, in May 2007 when the governor of Ohio issued an executive order prohibiting discrimination in state employment based on sexual orientation and/or gender identity,²⁶ the order included the finding that the “[i]nformation compiled by the Ohio Civil Rights Commission documents ongoing and past discrimination on the basis of sexual orientation and/or gender identity in employment-related decisions by personnel at Ohio agencies, boards and commissions.”
- Similarly, when the governor of Alaska issued an administrative order in 2002 prohibiting sexual orientation discrimination in state employment,²⁷ the order stated that it was “in recognition of the findings concerning perceived institutional intolerance in state agencies set out in the final report of the Governor’s Commission on Tolerance.”²⁸
- And when the governor of Oregon issued an executive order in 1988 prohibiting sexual orientation discrimination, it was accompanied by a statement that, “Although existing law may require equality in state employment or services, some homosexual employees or applicants for state services are afraid to assert their rights because they fear discrimination if they make their sexual orientation public. This order is intended to reduce that fear

²⁴ *Id.* at 610.

²⁵ *Equal. Found. of Greater Cincinnati v. City of Cincinnati*, 54 F.3d 261, 264 n.1 (6th Cir. 1995) (quoting trial court findings), *rev’d and vacated* by 54 F.3d 261 (6th Cir. 1995), *cert. granted, judgment vacated*, 518 U.S. 1001 (1996).

²⁶ Ohio Exec. Order No. 2007-10S (May 17, 2007), *available at* <http://www.wright.edu/admin/affirm/ExecutiveOrder2007-10S.html> (last visited Feb. 1, 2009).

²⁷ Alaska Admin. Order No. 195 (Mar. 5, 2002), *available at* <http://gov.state.ak.us/admin-orders/195.html> (last visited Sept. 21, 2009).

²⁸ *Id.*

by making it clear that the Governor expects state officials and agencies not to discriminate.”²⁹

For the past fifteen years, Congress has consistently reviewed evidence of employment discrimination by public employers when considering ENDA.

- Direct victims of such discrimination have testified at Congressional hearings; legal scholars have presented specific cases and scholarship on the history of such discrimination; social scientists have presented survey data documenting such discrimination; LGBT rights organizations have submitted reports and expert testimony documenting such discrimination; and members of Congress have shared specific examples and spoken more generally about such discrimination.
- In total, over 67 specific examples of employment discrimination on the basis of sexual orientation or gender identity by public employers have been presented to Congress from 1994 to 2007, including discrimination involving 13 state employees, 28 local employees, and 26 federal employees.

On surveys, LGBT public employees consistently report high rates of discrimination and harassment in the workplace.

- We reviewed studies documenting over 80 surveys of LGBT employees about their experiences of discrimination that either were conducted with just public employees, or where a substantial portion of those surveyed were public employees. The majority of these surveys were conducted with just LGBT employees of state governments.
- These surveys provide compelling evidence that discrimination against LGBT state government employees, as well as other public sector workers, is serious, pervasive and continuing. They also indicate that the patterns and level of employment discrimination based on sexual orientation and gender identity by state employers is similar to that of private employers. Examples include:
 - One in five LGB public sector employees in the 2008 General Social Survey reported being discriminated against on the basis of their sexual orientation.
 - A 2009 survey of over 640 transgender employees, 11% of whom were public employees, found that 70% reported experiencing workplace discrimination on the basis of gender identity.

²⁹ Or. Exec. Order No. EO-87-20 (Feb. 12, 1988), *available at* <http://extension.oregonstate.edu/internal/sites/default/files/documents/civil-rights/EO-87-20.pdf> (last visited Sept. 21, 2009).

- A 2009 survey of more than 1,900 LGBT employees of state university systems nationwide found that more than 13% had experienced discriminatory treatment or harassment *during the past year alone*.
- In a 2009 survey of LGBT public safety officers published in *Police Quarterly*, 22% reported experiencing discrimination in promotions, 13% in hiring, and 2% reported being fired because of their sexual orientation or gender identity.
- A 2008 Out & Equal survey reported that 36% of lesbians and gay men were closeted at work.

Analysis of the wages of LGB employees compared with heterosexual employees provides further evidence of discrimination in the public sector.

- If, after controlling for factors significant for determining wages such as education, a wage gap exists between people who have different personal characteristics, such as sexual orientation, economists typically conclude that the most likely reason for the wage gap is discrimination. More than twelve studies have shown a significant wage gap, ranging from 10% to 32%, for gay men when compared to heterosexual men.
- Two recent studies have found similar wage gaps when looking just at public employees. Together, the studies find that LGB government employees earn 8% to 29% less than their heterosexual counterparts.
- One of these studies finds that men in same-sex couples who are state employees earn 8% to 10% less than their married heterosexual counterparts.
- These studies of wages suggest that sexual orientation discrimination in state government is similar to that in the private sector and other public employment.

Complaints filed with administrative agencies also document a widespread and persistent pattern of discrimination against LGBT people by state and local government employers.

- During 2009, the Williams Institute collected data about complaints from state and local administrative agencies charged with enforcing prohibitions against sexual orientation and gender identity discrimination. Although we requested data from 20 state and 203 local agencies, many did not respond, even after repeated requests.

- The agencies that did respond provided us with 430 administrative complaints of sexual orientation and gender identity discrimination by state and local employers between 1999 and 2007 from 18 different states.
- Although not all states could provide us with data distinguishing between state and local government defendants, at least 265 of these were filed by employees of state government agencies.
- Five states provided us information about the dispositions of the claims made by state employees. For four of these states, the combined rate of positive administrative outcomes for the complaints, such as findings of probable cause of discrimination or settlements, averaged 30%. For the fifth state, California, 61% of complainants sought an immediate right to sue letter, which often indicates they have already found counsel to take their cases to court. A review of the dispositions of complaints made to local enforcement agencies found a similar rate of favorable outcomes (23%).
- Scholarship shows that the number of administrative filings most likely significantly under-represents the frequency of employment discrimination experienced by LGBT state and local workers. Several academic studies demonstrate that state and local administrative agencies often lack the resources, knowledge, enforcement mechanisms and willingness to accept sexual orientation and/or gender identity discrimination complaints.
- Supporting this scholarship, of the 36 city and county agencies that responded to the 2009 Williams Institute study with data, two incorrectly referred such complainants to the United States Equal Employment Opportunity Commission even though no federal law prohibits sexual orientation discrimination, one incorrectly said the city did not prohibit such discrimination, one incorrectly said there was no administrative enforcement mechanism for such complaints, five said they did not have the resources to enforce such claims and referred callers to their state administrative agency, and three said they lacked the resources to provide the requested data.

There are over 380 documented examples of employment discrimination on the basis of sexual orientation and gender identity by state and local employers, 1980 to the present.

- We compiled a set of documented examples of discrimination based on sexual orientation and gender identity from court opinions, administrative complaints, complaints to community-based organizations, academic journals, newspapers and other media, and books.
- This record demonstrates that discrimination is widespread in terms of quantity, geography, and occupations. The quantity compares favorably to

that of past records of public employment discrimination supporting civil rights legislation, particularly so in light of the size of the LGBT workforce.

- Geographically, the examples reach into every state except North Dakota, which has a small state population and state government workforce. The LGBT public employees discriminated against work for every branch of state government: legislatures, judiciaries, and the executive branch.
- In many of these cases, courts have found violations of rights to equal protection, free expression, and privacy, as well as the impermissible use of sex stereotypes. There are also cases where plaintiffs lose because judges rule that, in the absence a law like ENDA, state and federal law do not provide a remedy.
- In none of these cases do employers assert that sexual orientation or gender identity impacts an employee's performance in the workplace. To the contrary, among the examples are many public servants have received awards, commendations, and excellent work evaluations.
- The irrationality of this discrimination is vividly indicated by the harassment that many of these workers have been subjected to. Here is a very limited sense of what they are called in the workplace: an officer at a state correctional facility in New York, "pervert" and "homo;" a lab technician at a state hospital in Washington, a "dyke;" an employee of New Mexico's Juvenile Justice System, a "queer." There are countless examples of the use of the words "fag" and "faggot" in the report.
- The examples of workplace harassment also frequently include physical violence. For example, a gay employee of the Connecticut State Maintenance Department was tied up by his hands and feet; a firefighter in California had urine put in her mouthwash; a transgender corrections officer in New Hampshire was slammed into a concrete wall; and a transgender librarian at a college in Oklahoma had a flyer circulated about her that said God wanted her to die. Frequently, when employees complain about this kind of harassment, they are often told that it is of their own making, and no action is taken.
- These 380-plus documented examples should in no way be taken as a complete record of discrimination against LGBT people by state and local governments. Based on our research, and on other scholarship, we have concluded that these examples represent just a fraction of the actual discrimination.
 - First, our record does not even completely capture all of the documented instances. For example, of the twenty state enforcement agencies we contacted, only six made available redacted complaints

for us to review. Moreover, 117 of the local agencies never provided any type of response to our requests.

- Second, as noted above, several academic studies have shown that state and local administrative agencies often lack the resources, knowledge and willingness to consider sexual orientation and gender identity discrimination complaints. Similarly, legal scholars have noted that courts and judges have often been unreceptive to LGBT plaintiffs and reluctant to write published opinions about them, reducing the number of court opinions and administrative complaints that we would expect to find.
- Third, many cases settle before an administrative complaint or court case is filed. Unless the parties want the settlement to be public, and the settlement is for a large amount, it is likely to go unreported in the media or academic journals.
- Fourth, LGBT employees are often reluctant to pursue claims for fear of retaliation or of outing themselves further in their workplace. For example, in a study published this month by the Transgender Law Center, only 15% of those who reported that they had experienced some form of discrimination had filed a complaint.
- Finally, and perhaps most important, numerous studies have documented that as many one-third of LGBT people are not out in the workplace. They try to avoid discrimination by hiding who they are.

Statements by some state and local government officials provide further evidence of animus towards LGBT people.

- The Supreme Court has recognized that irrational discrimination is often signaled by indicators of bias, and bias is unacceptable as a substitute for legitimate governmental interests.³⁰ As Justice O’Connor stated in her concurring opinion in *Lawrence v. Texas*, 539 U.S. 558, 580-82 (2003): “We have consistently held...that some objectives, such as “a bare...desire to harm a politically unpopular group,” are not legitimate state interests. ... Moral disapproval of this group [homosexuals], like a bare desire to harm the group, is an interest that is insufficient to satisfy rational basis review under the Equal Protection Clause.”
- Drawing from the 50 state reports attached, we document comments made by state legislators, governors, judges, and other state and local policy makers and officials which reflect animus towards LGBT people.

³⁰ *Board of Trustees of the University of Alabama v. Garrett*, 531 U.S. 356, 367 (2001).

- These include statements that LGBT people are mentally ill, pedophiles, wealthy, terrorists, Nazis, condemned by God, immoral, and unhealthy. Often, these statements are made while the speakers are opposing state or local laws that would prohibit discrimination on the bases of sexual orientation and gender identity or endorsing laws to repeal or prevent the enactment of such protections.
- Such statements are likely to both deter LGBT people from seeking state and local government employment, and cause them to be closeted if they are employed by public agencies. In addition, these statements often serve as indicia of why laws extending legal protections to LGBT people are opposed or repealed.

Over 120 ballot measures have sought to repeal or prevent laws prohibiting discrimination on the basis of sexual orientation or gender identity.

- One marker of the animus directed towards LGBT Americans is the proliferation of attempts to use state and local ballot measures to repeal or preclude protection against employment discrimination based on sexual orientation or gender identity. In this analysis we do not include ballot measures to repeal or prevent the extension of marriage to same-sex couples.
- Ballot initiatives aimed at preventing the LGBT population from gaining legal protection from discrimination in the workplace began as attempts to repeal specific legislation or executive orders. Over time, an increasing number of these campaigns have attempted to block future laws to prohibit discrimination.
- Updating prior scholarship, we documented 120 such ballot measures from 1974 to 2009. Most of these, 92, were at the local level, with 28 at the state level. While the ballot measures were proposed in eighteen different states, most were in Oregon, Michigan, Maine, Washington, Florida, and California.
- One hundred and fifteen of these measures sought to repeal prohibitions of discrimination against LGBT people, prevent or inhibit such prohibitions from being passed, or even mandate discriminatory or stigmatizing treatment of LGBT people. Of these ballot measures, 50% passed.
- In 1996, the United States Supreme Court declared unconstitutional Colorado's Amendment 2, which would have repealed several local anti-discrimination laws in the state and two statewide protections and made the passage of such protections in the future require another amendment to the Colorado constitution. Writing for the Court in *Romer v. Evans*, Justice Kennedy stated that the amendment's "sheer breadth is so discontinuous with the reasons offered for it that the amendment seems inexplicable by anything but animus toward the class that it affects; it lacks a rational relationship to

legitimate state interests.”³¹ He concluded that it was “a denial of equal protection of the laws in the most literal sense.”³² Thus, in the Court's opinion, Amendment 2's scope was too expansive to rationally relate to any acceptable state purpose.³³

- Since the Supreme Court decision in 1996, there have been nearly two dozen such initiatives introduced around the country, with the latest occurring in Gainesville, Florida, in February 2009.

State statutes and executive orders do not adequately address employment discrimination against state employees on the basis of sexual orientation and gender identity.

- Twenty-nine states do not have anti-discrimination statutes that prohibit sexual orientation discrimination, and 38 do not have statutes that explicitly prohibit gender identity discrimination.
- Of the states that do have anti-discrimination statutes that prohibit discrimination on these bases:
 - Three do not prohibit discrimination on the basis of *perceived* sexual orientation;
 - Five either do not provide for compensatory damages or subject such damages to caps that are lower than ENDA's; and
 - Five do not provide for attorney's fee's, and another five only provide for them if the employee files a court action as opposed to an administrative action.
- In 10 other states that do not offer statutory protection for sexual orientation or gender identity, gubernatorial executive orders prohibit discrimination on either or both bases against state employees. However, these orders provide little enforcement opportunities and lack permanency:
 - None of these orders provide for a private right of action;
 - Only 6 confer any power to actually investigate complaints; and
 - Executive orders in Kentucky, Louisiana, Iowa, and Ohio have been in flux during the last 15 years and the constitutionality of Virginia's is currently in dispute.

³¹ *Id.* at 632.

³² *Romer v. Evans*, 517 U.S. 620, 633 (1996).

³³ *Id.*

Declaration of Luke C. Platzer

EXHIBIT AJ



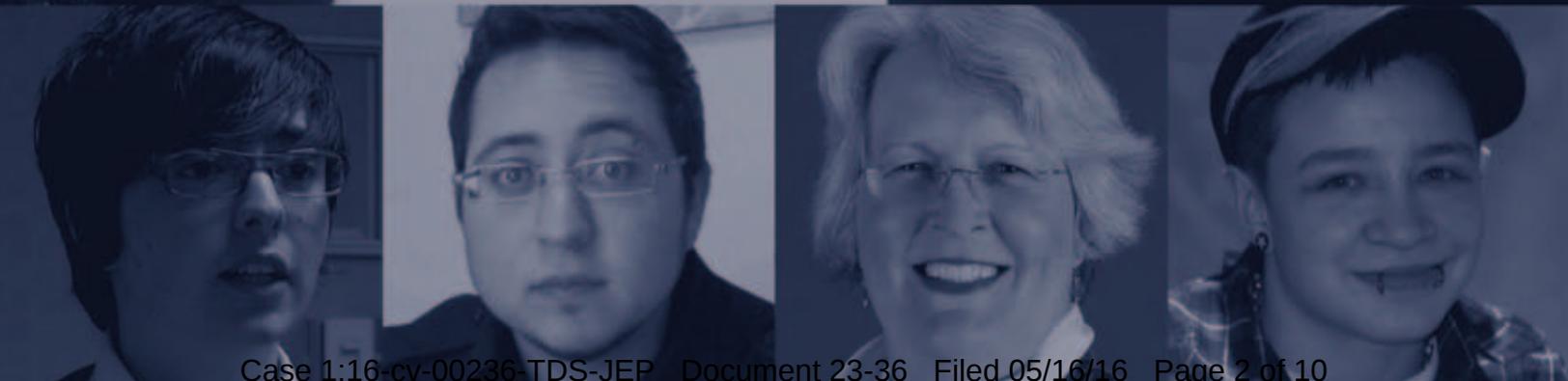
Injustice at Every Turn

A Report of the National Transgender Discrimination Survey

Lead authors in alphabetical order:

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EXECUTIVE SUMMARY

This study brings to light what is both patently obvious and far too often dismissed from the human rights agenda. Transgender and gender non-conforming people face injustice at every turn: in childhood homes, in school systems that promise to shelter and educate, in harsh and exclusionary workplaces, at the grocery store, the hotel front desk, in doctors' offices and emergency rooms, before judges and at the hands of landlords, police officers, health care workers and other service providers.

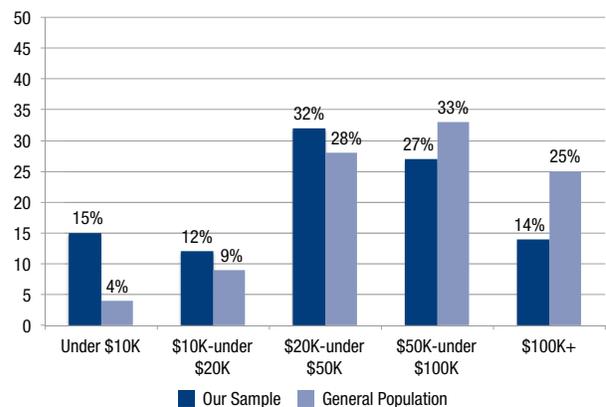
The National Gay and Lesbian Task Force and the National Center for Transgender Equality are grateful to each of the 6,450 transgender and gender non-conforming study participants who took the time and energy to answer questions about the depth and breadth of injustice in their lives. A diverse set of people, from all 50 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands, completed online or paper surveys. This tremendous gift has created the first 360-degree picture of discrimination against transgender and gender non-conforming people in the U.S. and provides critical data points for policymakers, community activists and legal advocates to confront the appalling realities documented here and press the case for equity and justice.

KEY FINDINGS

Hundreds of dramatic findings on the impact of anti-transgender bias are presented in this report. In many cases, a series of bias-related events lead to insurmountable challenges and devastating outcomes for study participants. Several meta-findings are worth noting from the outset:

- Discrimination was pervasive throughout the entire sample, yet **the combination of anti-transgender bias and persistent, structural racism was especially devastating**. People of color in general fare worse than white participants across the board, with African American transgender respondents faring worse than all others in many areas examined.
- Respondents **lived in extreme poverty**. Our sample was nearly four times more likely to have a household income of less than \$10,000/year compared to the general population.¹
- A staggering **41% of respondents reported attempting suicide** compared to 1.6% of the general population,² with rates rising for those who lost a job due to bias (55%), were harassed/bullied in school (51%), had low household income, or were the victim of physical assault (61%) or sexual assault (64%).

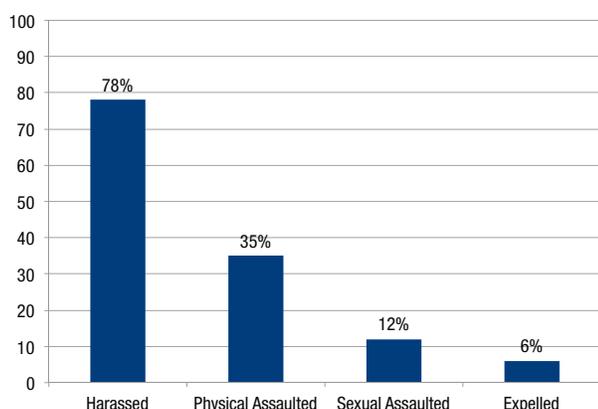
Household Incomes of Respondents³



HARASSMENT AND DISCRIMINATION IN EDUCATION

- Those who expressed a transgender identity or gender non-conformity while in grades K-12 reported **alarming rates of harassment (78%), physical assault (35%) and sexual violence (12%)**; harassment was so severe that it led **almost one-sixth (15%) to leave a school** in K-12 settings or in higher education.
- Respondents who have been **harassed and abused by teachers** in K-12 settings showed dramatically worse health and other outcomes than those who did not experience such abuse. Peer harassment and abuse also had highly damaging effects.

Harassment, Assault and Discrimination in K-12 Settings



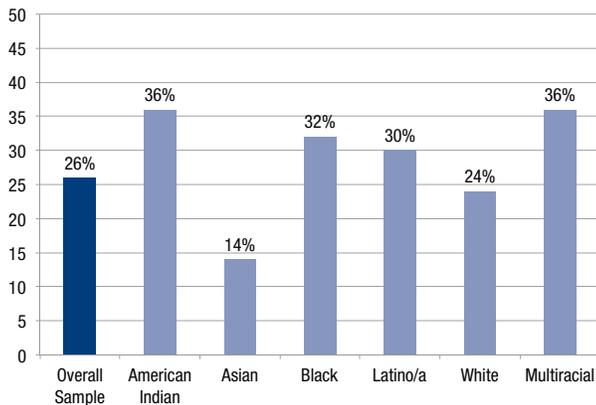
Respondents Income by Mistreatment in School⁴

	General Population	No school mistreatment	Mistreated in school
Under \$10K	4%	12%	21%
\$10K - under \$20K	9%	11%	15%
\$20K - under \$50K	28%	31%	33%
\$50k - under \$100k	33%	30%	21%
\$100k+	25%	16%	9%

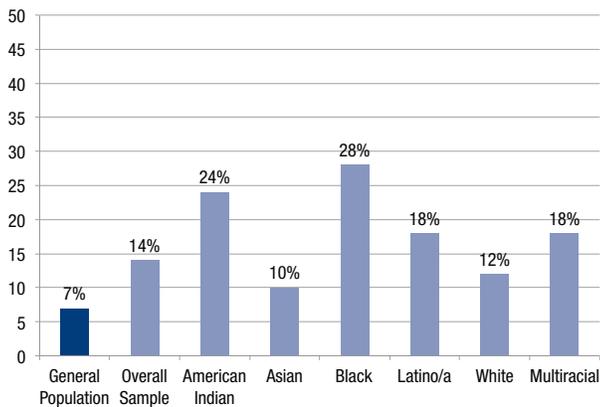
EMPLOYMENT DISCRIMINATION AND ECONOMIC INSECURITY

- **Double the rate of unemployment:** Survey respondents experienced unemployment at twice the rate of the general population at the time of the survey,⁵ with rates for people of color up to four times the national unemployment rate.
- Widespread mistreatment at work: **Ninety percent (90%) of those surveyed reported experiencing harassment, mistreatment or discrimination** on the job or took actions like hiding who they are to avoid it.
- Forty-seven percent (47%) said they had experienced an adverse job outcome, such as **being fired, not hired or denied a promotion** because of being transgender or gender non-conforming.
- **Over one-quarter (26%) reported that they had lost a job** due to being transgender or gender non-conforming and 50% were harassed.
- Large majorities attempted to avoid discrimination by **hiding their gender or gender transition (71%)** or delaying their gender transition (57%).
- The **vast majority (78%)** of those who transitioned from one gender to the other reported that they **felt more comfortable at work and their job performance improved**, despite high levels of mistreatment.
- Overall, **16% said they had been compelled to work in the underground economy** for income (such as doing sex work or selling drugs).
- **Respondents who were currently unemployed experienced debilitating negative outcomes**, including nearly double the rate of working in the underground economy (such as doing sex work or selling drugs), twice the homelessness, 85% more incarceration, and more negative health outcomes, such as more than double the HIV infection rate and nearly double the rate of current drinking or drug misuse to cope with mistreatment, compared to those who were employed.
- **Respondents who had lost a job due to bias also experienced ruinous consequences such as four times the rate of homelessness**, 70% more current drinking or misuse of drugs to cope with mistreatment, 85% more incarceration, more than double the rate working in the underground economy, and more than double the HIV infection rate, compared to those who did not lose a job due to bias.

Loss of Job by Race



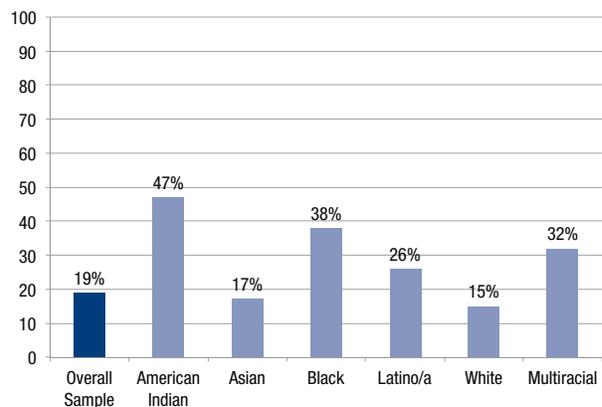
Unemployment Rates including by Race



HOUSING DISCRIMINATION AND HOMELESSNESS

- Respondents reported various forms of direct housing discrimination — **19% reported having been refused a home or apartment** and 11% reported being evicted because of their gender identity/expression.
- **One-fifth (19%) reported experiencing homelessness** at some point in their lives because they were transgender or gender non-conforming; **the majority of those trying to access a homeless shelter were harassed by shelter staff or residents (55%), 29% were turned away altogether,** and 22% were sexually assaulted by residents or staff.
- **Almost 2% of respondents were currently homeless,** which is almost twice the rate of the general population (1%).⁶
- Respondents reported **less than half the national rate of home ownership:** 32% reported owning their home compared to 67% of the general population.⁷
- **Respondents who have experienced homelessness were highly vulnerable** to mistreatment in public settings, police abuse and negative health outcomes.

"I was denied a home/apartment" by Race



DISCRIMINATION IN PUBLIC ACCOMMODATIONS

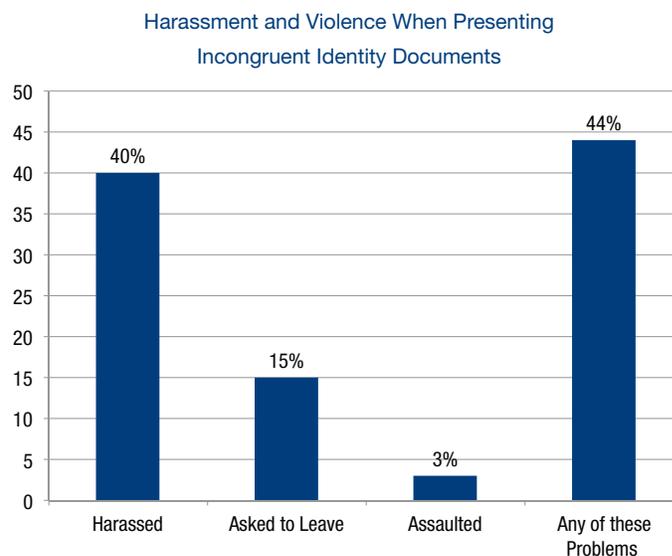
- Fifty-three percent (53%) of respondents reported being verbally harassed or disrespected in a place of public accommodation, including hotels, restaurants, buses, airports and government agencies.
- Respondents experienced widespread abuse in the public sector, and were often abused at the hands of “helping” professionals and government officials. One fifth (22%) were denied equal treatment by a government agency or official; 29% reported police harassment or disrespect; and 12% had been denied equal treatment or harassed by judges or court officials.

Experiences of Discrimination and Violence in Public Accommodations

Location	Denied Equal Treatment	Harassed or Disrespected	Physically Assaulted
Retail Store	32%	37%	3%
Police Officer	20%	29%	6%
Doctor's Office or Hospital	24%	25%	2%
Hotel or Restaurant	19%	25%	2%
Government Agency/Official	22%	22%	1%
Bus, Train, or Taxi	9%	22%	4%
Emergency Room	13%	16%	1%
Airplane or Airport Staff/TSA	11%	17%	1%
Judge or Court Official	12%	12%	1%
Mental Health Clinic	11%	12%	1%
Legal Services Clinic	8%	6%	1%
Ambulance or EMT	5%	7%	1%
Domestic Violence Shelter/Program	6%	4%	1%
Rape Crisis Center	5%	4%	1%
Drug Treatment Program	3%	4%	1%

BARRIERS TO RECEIVING UPDATED ID DOCUMENTS

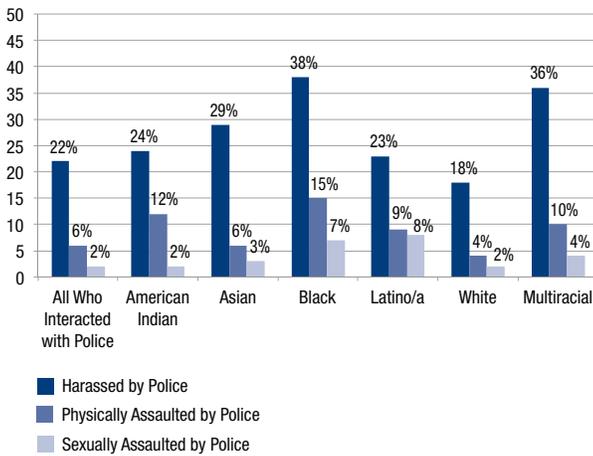
- Of those who have transitioned gender, only one-fifth (21%) have been able to update *all* of their IDs and records with their new gender. One-third (33%) of those who had transitioned had updated *none* of their IDs/records.
- Only 59% reported updating the gender on their driver's license/state ID, meaning 41% live without ID that matches their gender identity.
- Forty percent (40%) of those who presented ID (when it was required in the ordinary course of life) that did not match their gender identity/expression reported being harassed, 3% reported being attacked or assaulted, and 15% reported being asked to leave.



ABUSE BY POLICE AND IN PRISON

- **One-fifth (22%) of respondents** who have interacted with police **reported harassment by police**, with much higher rates reported by people of color.
- Almost half of the **respondents (46%) reported being uncomfortable seeking police assistance.**
- **Physical and sexual assault in jail/prison is a serious problem:** 16% of respondents who had been to jail or prison reported being physically assaulted and 15% reported being sexually assaulted.

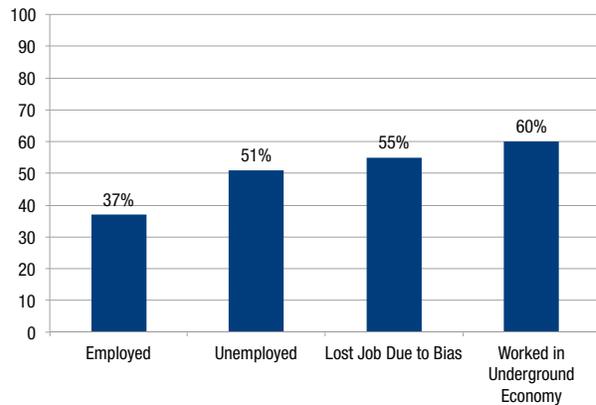
Police Harassment and Assault, Due to Bias, by Race



DISCRIMINATION IN HEALTH CARE AND POOR HEALTH OUTCOMES

- **Health outcomes for all categories of respondents show the appalling effects of social and economic marginalization**, including much higher rates of HIV infection, smoking, drug and alcohol use and suicide attempts than the general population.
- **Refusal of care: 19% of our sample reported being refused medical care** due to their transgender or gender non-conforming status, with even higher numbers among people of color in the survey.
- **Uninformed doctors: 50% of the sample reported having to teach their medical providers** about transgender care.
- **High HIV rates:** Respondents reported **over four times the national average of HIV infection, with rates higher among transgender people of color.**⁸
- **Postponed care:** Survey participants reported that when they were sick or injured, **many postponed medical care due to discrimination (28%)** or inability to afford it (48%).

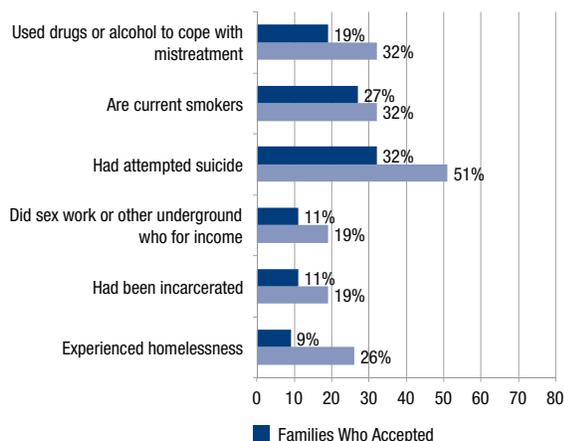
Suicide Attempt by Employment



FAMILY ACCEPTANCE OF GREAT IMPORTANCE

- **Forty-three percent (43%) maintained most of their family bonds**, while 57% experienced significant family rejection.
- In the face of extensive institutional discrimination, **family acceptance had a protective affect against many threats to well-being** including health risks such as HIV infection and suicide. Families were more likely to remain together and provide support for transgender and gender non-conforming family members than stereotypes suggest.

Impact of Family Acceptance

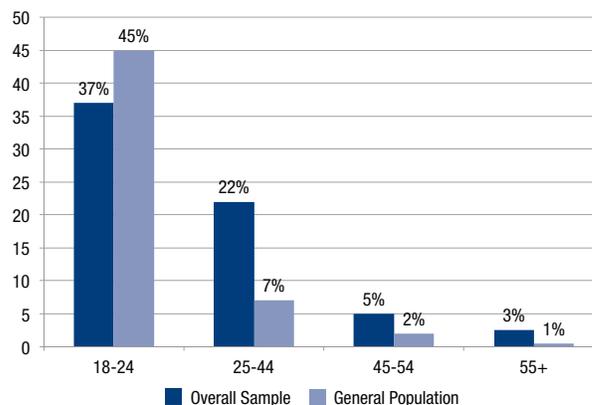


RESILIENCE

Despite all of the harassment, mistreatment, discrimination and violence faced by respondents, study participants also demonstrated determination, resourcefulness and perseverance:

- Although the survey identified major structural barriers to obtaining health care, 76% of transgender respondents have been able to receive hormone therapy, indicating a determination to endure the abuse or search out sensitive medical providers.
- Despite high levels of harassment, bullying and violence in school, many respondents were able to obtain an education by returning to school. Although fewer 18 to 24-year-olds were currently in school compared to the general population, respondents returned to school in large numbers at later ages, with 22% of those aged 25-44 currently in school (compared to 7% of the general population).¹⁰
- Over three-fourths (78%) reported feeling more comfortable at work and their performance improving after transitioning, despite reporting nearly the same rates of harassment at work as the overall sample.
- Of the 26% who reported losing a job due to bias, 58% reported being currently employed and of the 19% who reported facing housing discrimination in the form of a denial of a home/apartment, 94% reported being currently housed.

Status as a Student by Age⁹



CUMULATIVE DISCRIMINATION

Sixty-three percent (63%) of our participants had experienced a serious act of discrimination — events that would have a major impact on a person's quality of life and ability to sustain themselves financially or emotionally. These events included the following:

- Lost job due to bias
- Eviction due to bias
- School bullying/harassment so severe the respondent had to drop out
- Teacher bullying
- Physical assault due to bias
- Sexual assault due to bias
- Homelessness because of gender identity/expression
- Lost relationship with partner or children due to gender identity/expression
- Denial of medical service due to bias
- Incarceration due to gender identity/expression

Almost a quarter (23%) of our respondents experienced a catastrophic level of discrimination — having been impacted by at least three of the above major life-disrupting events due to bias. These compounding acts of discrimination — due to the prejudice of others or lack of protective laws — exponentially increase the difficulty of bouncing back and establishing a stable economic and home life.

CONCLUSION

It is part of social and legal convention in the United States to discriminate against, ridicule, and abuse transgender and gender non-conforming people within foundational institutions such as the family, schools, the workplace and health care settings, every day. Instead of recognizing that the moral failure lies in society's unwillingness to embrace different gender identities and expressions, society blames transgender and gender non-conforming people for bringing the discrimination and violence on themselves.

Nearly every system and institution in the United States, both large and small, from local to national, is implicated by this data. Medical providers and health systems, government agencies, families, businesses and employers, schools and colleges, police departments, jail and prison systems—each of these systems and institutions is failing daily in its obligation to serve transgender and gender non-conforming people, instead subjecting them to mistreatment ranging from commonplace disrespect to outright violence, abuse and the denial of human dignity. The consequences of these widespread injustices are human and real, ranging from unemployment and homelessness to illness and death.

This report is a call to action for all of us, especially for those who pass laws and set policies and practices, whose action or continued inaction will make a significant difference between the current climate of discrimination and violence and a world of freedom and equality. And everyone else, from those who drive buses or teach our children to those who sit on the judicial bench or write prescriptions, must also take up the call for human rights for transgender and gender non-conforming people, and confront this pattern of abuse and injustice.

We must accept nothing less than a complete elimination of this pervasive inhumanity; we must work continuously and strenuously together for justice.

Endnotes

- 1 U.S. Census Bureau, "Current Population Survey," Annual Social and Economic Supplement (Washington, DC: GPO, 2008).
- 2 "U.S.A. Suicide: 2002 Official Final Data," prepared for the American Association of Suicidology by John L. McIntosh, Ph.D. Official data source: Kochanek, K.D., Murphy, S.L., Anderson, R.N., & Scott, C. (2004). Deaths: Final data for 2002. National Vital Statistics Reports, 53 (5). Hyattsville, MD: National Center for Health Statistics DHHS Publication No. (PHS) 2005-1120. Population figures source: table I, p.108. of the National Center for Health Statistics (Kochanek et al., 2004), see http://www.sprc.org/library/event_kit/2002datapg1.pdf.
- 3 General population data is from U.S. Census Bureau, "Current Population Survey," Annual Social and Economic Supplement (Washington, DC: GPO, 2008).
- 4 See note 3. "Mistreatment" includes harassment and bullying, physical or sexual assault, discrimination, or expulsion from school at any level based on gender identity/expression.
- 5 Seven percent (7%) was the rounded weighted average unemployment rate for the general population during the six months the survey was in the field, based on which month questionnaires were completed. See seasonally unadjusted monthly unemployment rates for September 2008 through February 2009. U.S. Department of Labor, Bureau of Labor Statistics, "The Employment Situation: September 2008," (2008): http://www.bls.gov/news.release/archives/empisit_10032008.htm.
- 6 1.7% were currently homeless in our sample compared to 1% in the general population. National Coalition for the Homeless, "How Many People Experience Homelessness?" (July 2009): http://www.nationalhomeless.org/factsheets/How_Many.html.
- 7 U.S. Department of Housing and Urban Development, "U.S. Housing Market Conditions, 2nd Quarter, 2009" (Washington, DC: GPO, 2009): http://www.huduser.org/portal/periodicals/ushmc/summer09/nat_data.pdf.
- 8 The overall sample reported an HIV infection rate of 2.6% compared to .6% in the general population. United Nations Programme on HIV/AIDS (UNAIDS) and World Health Organization (WHO), "2007 AIDS Epidemic Update" (2007): http://data.unaids.org/pub/EPISlides/2007/2007_epiupdate_en.pdf. People of color in the sample reported substantially higher rates: 24.9% of African-Americans, 10.9% of Latino/as, 7.0% of American Indians, and 3.7% of Asian-Americans in the study reported being HIV positive.
- 9 U.S. Census Bureau, "Current Population Survey: Enrollment Status of the Population 3 Years Old and Over, by Sex, Age, Race, Hispanic Origin, Foreign Born, and Foreign-Born" (Washington, DC: GPO, October 2008): Table 1. <http://www.census.gov/population/www/socdemo/school/cps2008.html>. The last category, over 55, was not rounded to its small size.
- 10 See note 9.

Declaration of Luke C. Platzer

EXHIBIT AK

How many people are lesbian, gay, bisexual, and transgender?



the
Williams
INSTITUTE

by Gary J. Gates, Williams Distinguished Scholar

April 2011

Executive Summary

Increasing numbers of population-based surveys in the United States and across the world include questions that allow for an estimate of the size of the lesbian, gay, bisexual, and transgender (LGBT) population. This research brief discusses challenges associated with collecting better information about the LGBT community and reviews eleven recent US and international surveys that ask sexual orientation or gender identity questions. The brief concludes with estimates of the size of the LGBT population in the United States.

Key findings from the research brief are as follows:

- An estimated 3.5% of adults in the United States identify as lesbian, gay, or bisexual and an estimated 0.3% of adults are transgender.
- This implies that there are approximately 9 million LGBT Americans, a figure roughly equivalent to the population of New Jersey.
- Among adults who identify as LGB, bisexuals comprise a slight majority (1.8% compared to 1.7% who identify as lesbian or gay).
- Women are substantially more likely than men to identify as bisexual. Bisexuals comprise more than half of the lesbian and bisexual population among women in eight of the nine surveys considered in the brief. Conversely, gay men comprise substantially more than half of gay and bisexual men in seven of the nine surveys.
- Estimates of those who report any lifetime same-sex sexual behavior and any same-sex sexual attraction are substantially higher than estimates of those who identify as LGB. An estimated 19 million Americans (8.2%) report that they have engaged in same-sex sexual behavior and nearly 25.6 million Americans (11%) acknowledge at least some same-sex sexual attraction.
- Understanding the size of the LGBT population is a critical first step to informing a host of public policy and research topics. The surveys highlighted in this report demonstrate the viability of sexual orientation and gender identity questions on large national population-based surveys. Adding these questions to more national, state, and local data sources is critical to developing research that enables a better understanding of the understudied LGBT community.

Introduction

Increasing numbers of population-based surveys in the United States and across the world include questions designed to measure sexual orientation and gender identity. Understanding the size of the lesbian, gay, bisexual, and transgender (LGBT) population is a critical first step to informing a host of public policy and research topics. Examples include assessing health and economic disparities in the LGBT community, understanding the prevalence of anti-LGBT discrimination, and considering the economic impact of marriage equality or the provision of domestic partnership benefits to same-sex couples. This research brief discusses challenges associated with collecting better information about the LGBT community and reviews findings from eleven recent US and international surveys that ask sexual orientation or gender identity questions. The brief concludes with estimates of the size of the LGBT population in the United States.

Challenges in measuring the LGBT community

Estimates of the size of the LGBT community vary for a variety of reasons. These include differences in the definitions of who is included in the LGBT population, differences in survey methods, and a lack of consistent questions asked in a particular survey over time.

In measuring sexual orientation, lesbian, gay, and bisexual individuals may be identified strictly based on their self-identity or it may be possible to consider same-sex sexual behavior or sexual attraction. Some surveys (not considered in this brief) also assess household relationships and provide a mechanism of identifying those who are in same-sex relationships. Identity, behavior, attraction, and relationships all capture related dimensions of sexual orientation but none of these measures completely addresses the concept.

Defining the transgender population can also be challenging. Definitions of who may be considered part of the transgender community include aspects of both gender identities and varying forms of gender expression or non-conformity. Similar to sexual orientation, one way to measure the transgender community is to simply consider self-identity. Measures of identity could include consideration of terms like transgender, queer, or genderqueer. The latter two identities are used by some to capture aspects of both sexual orientation and gender identity.

Similar to using sexual behaviors and attraction to capture elements of sexual orientation, questions may also be devised that consider gender expression and non-conformity regardless of the terms individuals may use to describe themselves. An example of these types of questions would be consideration of the relationship between the sex that individuals are assigned at birth and the degree to which that assignment conforms with how they express their gender. Like the counterpart of measuring sexual orientation through identity, behavior, and attraction measures, these varying approaches capture related dimensions of who might be classified as transgender but may not individually address all aspects of assessing gender identity and expression.

Another factor that can create variation among estimates of the LGBT community is survey methodology. Survey methods can affect the willingness of respondents to report stigmatizing identities and behaviors. Feelings of confidentiality and anonymity increase the likelihood that respondents will be more accurate in reporting sensitive information. Survey methods that include face-to-face interviews may underestimate the size of the LGBT community while those that include methods that allow respondents to complete questions on a computer or via the internet may increase the likelihood of LGBT respondents identifying themselves. Varied sample sizes of surveys can also increase variation. Population-based surveys with a

larger sample can produce more precise estimates (see SMART, 2010 for more information about survey methodology).

A final challenge in making population-based estimates of the LGBT community is the lack of questions asked over time on a single large survey. One way of assessing the reliability of estimates is to repeat questions over time using a consistent method and sampling strategy. Adding questions to more large-scale surveys that are repeated over time would substantially improve our ability to make better estimates of the size of the LGBT population.

How many adults are lesbian, gay, or bisexual?

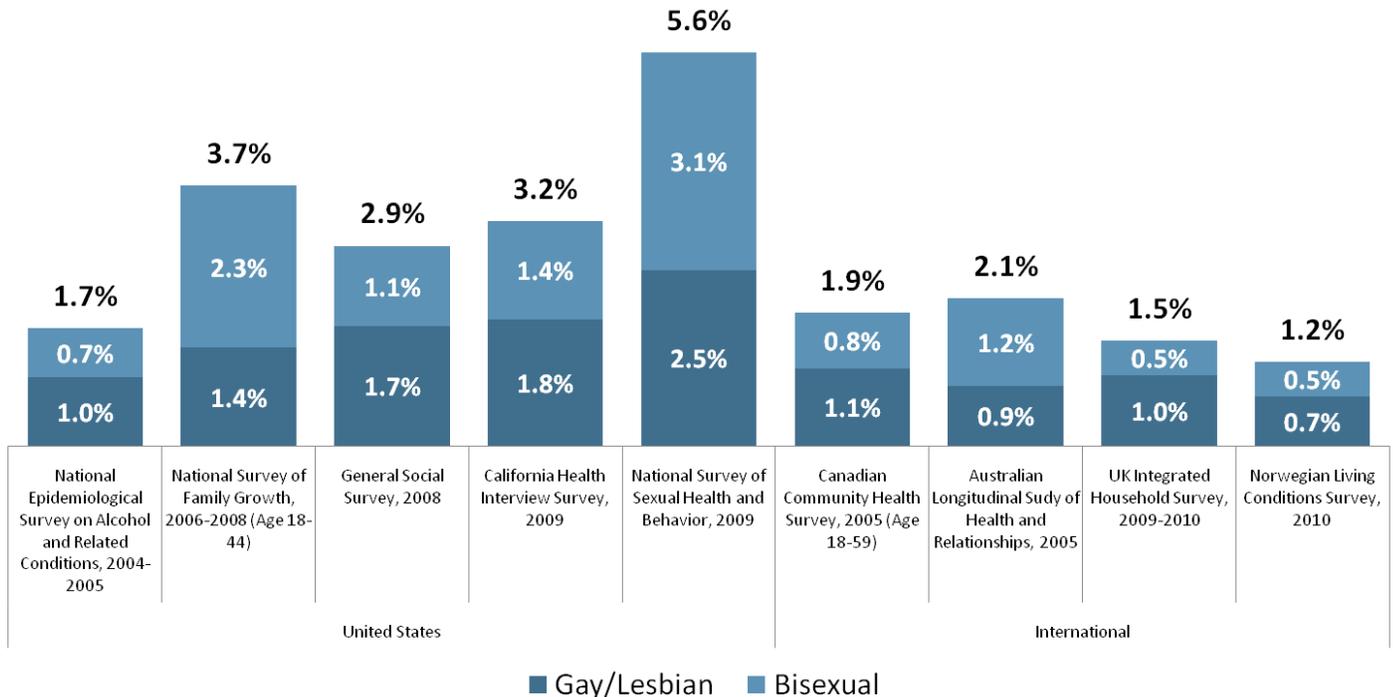
Findings shown in Figure 1 consider estimates of the percentage of adults who self-identify as lesbian, gay, or bisexual across nine surveys conducted within the past seven years. Five of those surveys were fielded in the United States and the others are from Canada, the United

Kingdom, Australia, and Norway. All are population-based surveys of adults, though some have age restrictions as noted.

The lowest overall percentage comes from the Norwegian Living Conditions Survey at 1.2%, with the National Survey of Sexual Health and Behavior, conducted in the United States, producing the highest estimate at 5.6%. In general, the non-US surveys, which vary from 1.2% to 2.1%, estimate lower percentages of LGB-identified individuals than the US surveys, which range from 1.7% to 5.6%.

While the surveys show a fairly wide variation in the overall percentage of adults who identify as LGB, the proportion who identify as lesbian/gay versus bisexual is somewhat more consistent (see Figure 2). In six of the surveys, lesbian- and gay-identified individuals outnumbered bisexuals. In most cases, these surveys were roughly 60% lesbian/gay versus 40% bisexual. The UK Integrated Household Survey found the proportion to be two-thirds lesbian/gay versus one-third bisexual.

Figure 1. Percent of adults who identify as lesbian, gay, or bisexual.



The National Survey of Family Growth found results that were essentially the opposite of the UK survey with only 38% identifying as lesbian or gay compared to 62% identifying as bisexual. The National Survey of Sexual Health and Behavior and the Australian Longitudinal Study

of Health and Relationships both found a majority of respondents (55% and 59%, respectively) identifying as bisexual.

The surveys show even greater consistency in differences between men and women

Figure 2. Percent of adults who identify as gay/lesbian versus bisexual.

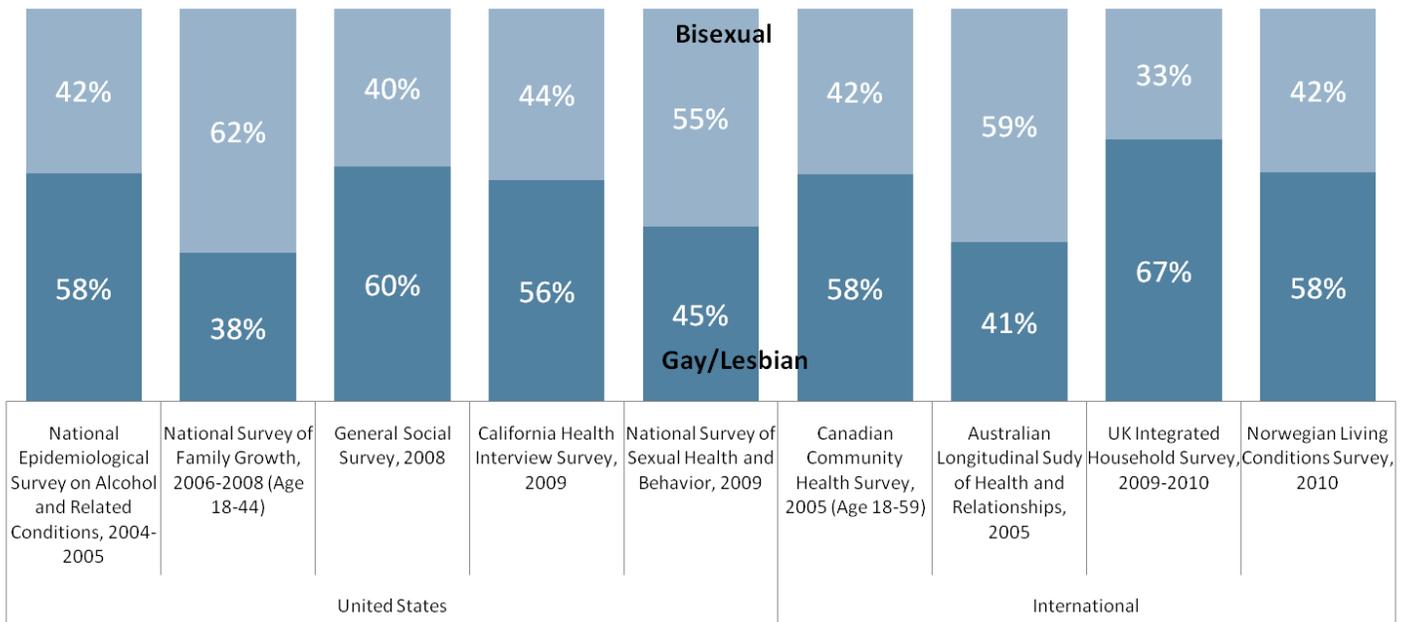
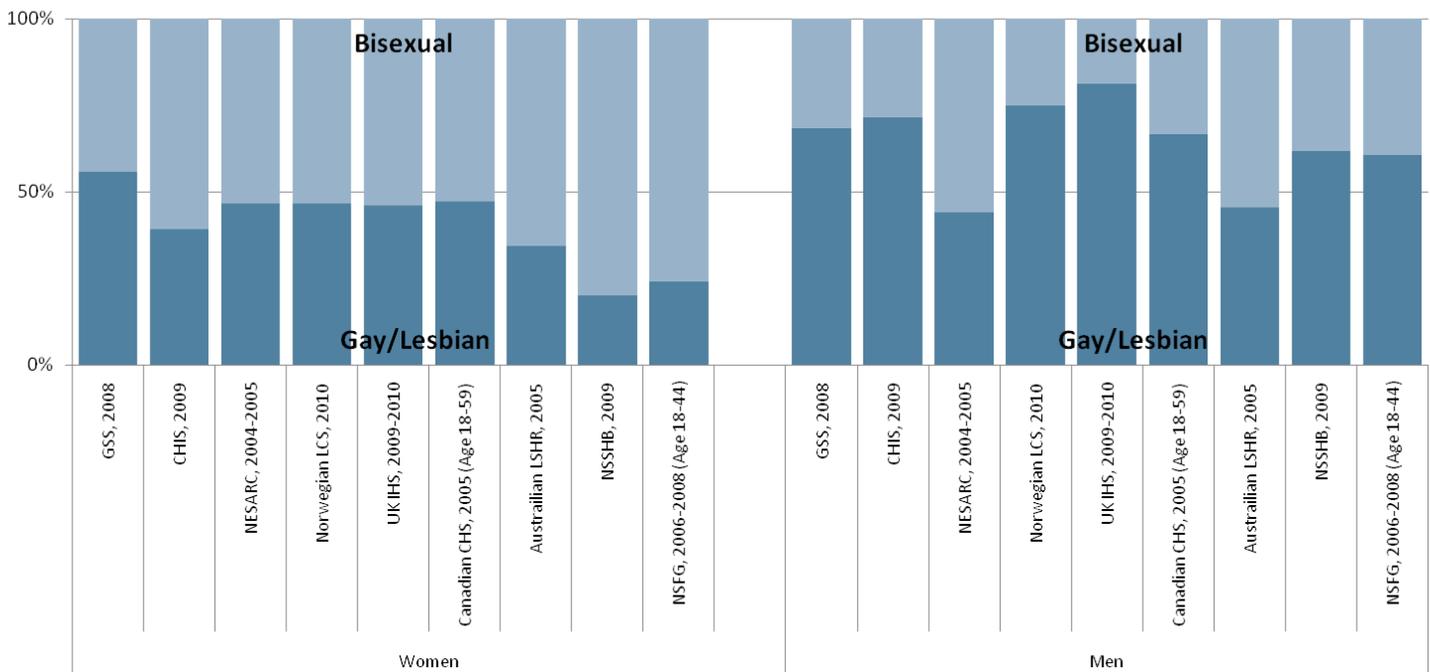
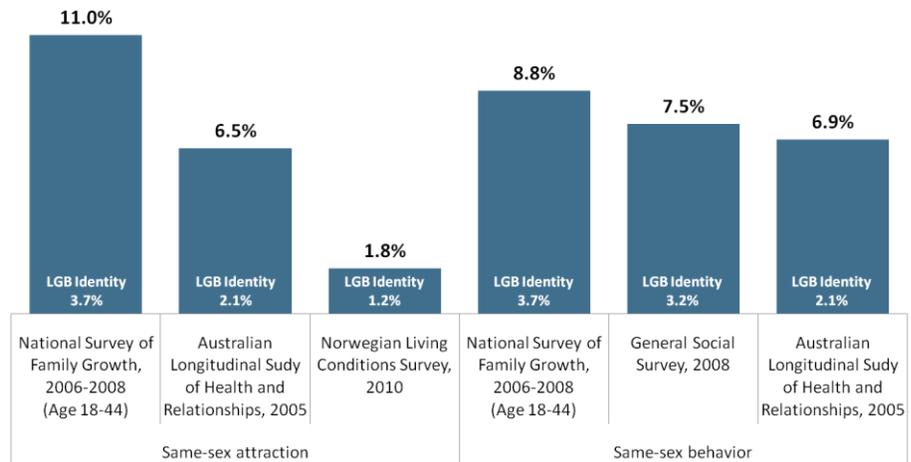


Figure 3. Percent of adults who identify as lesbian/gay versus bisexual, by sex.



associated with lesbian/gay versus bisexual identity. Women are substantially more likely than men to identify as bisexual. Bisexuals comprise more than half of the lesbian and bisexual population among women in eight of the nine surveys considered (see Figure 3). Conversely, gay men comprise substantially more than half of gay and bisexual men in seven of the nine surveys.

Figure 4. Percent of adults who report any same-sex attraction and behavior.



Four of the surveys analyzed also asked questions about either sexual behavior or attraction. Within these surveys, a larger fraction of adults report same-sex attractions and behaviors than self-identify as lesbian, gay, or bisexual (see Figure 4). With the exception of the Norwegian survey, these differences are substantial. The two US surveys and the Australian survey all suggest that adults are two to three times more likely to say that they are attracted to individuals of the same-sex or have had same-sex sexual experiences than they are to self-identify as LGB.

How many adults are transgender?

Population-based data sources that estimate the percentage of adults who are transgender are very rare. The Massachusetts Behavioral Risk Factor Surveillance Survey represents one of the few population-based surveys that include a question designed to identify the transgender population. Analyses of the 2007 and 2009 surveys suggest that 0.5% of adults aged 18-64 identified as transgender (Conron 2011).

The 2003 California LGBT Tobacco Survey found that 3.2% of LGBT individuals identified as transgender. Recall that the 2009 California Health Interview Survey estimates that 3.2% of adults in the state are LGB. If both of these

estimates are true, it implies that approximately 0.1% of adults in California are transgender.

Several studies have reviewed multiple sources to construct estimates of a variety of dimensions of gender identity. Conway (2002) suggests that between 0.5% and 2% of the population have strong feelings of being transgender and between 0.1% and 0.5% actually take steps to transition from one gender to another. Olyslager and Conway (2007) refine Conway's original estimates and posit that at least 0.5% of the population has taken some steps toward transition. Researchers in the United Kingdom (Reed, et al., 2009) suggest that perhaps 0.1% of adults are transgender (defined again as those who have transitioned in some capacity).

Notably, the estimates of those who have transitioned are consistent with the survey-based estimates from California and Massachusetts. Those surveys both used questions that implied a transition or at least discordance between sex at birth and current gender presentation.

How many lesbian, gay, bisexual and transgender people are there in the United States?

Federal data sources designed to provide population estimates in the United States (e.g., the Decennial Census or the American Community Survey) do not include direct questions regarding sexual orientation or gender identity. The findings shown in Figure 1 suggest that no single survey offers a definitive estimate for the size of the LGBT community in the United States.

However, combining information from the population-based surveys considered in this brief offers a mechanism to produce credible estimates for the size of the LGBT community. Specifically, estimates for sexual orientation identity will be derived by averaging results from the five US surveys identified in Figure 1.

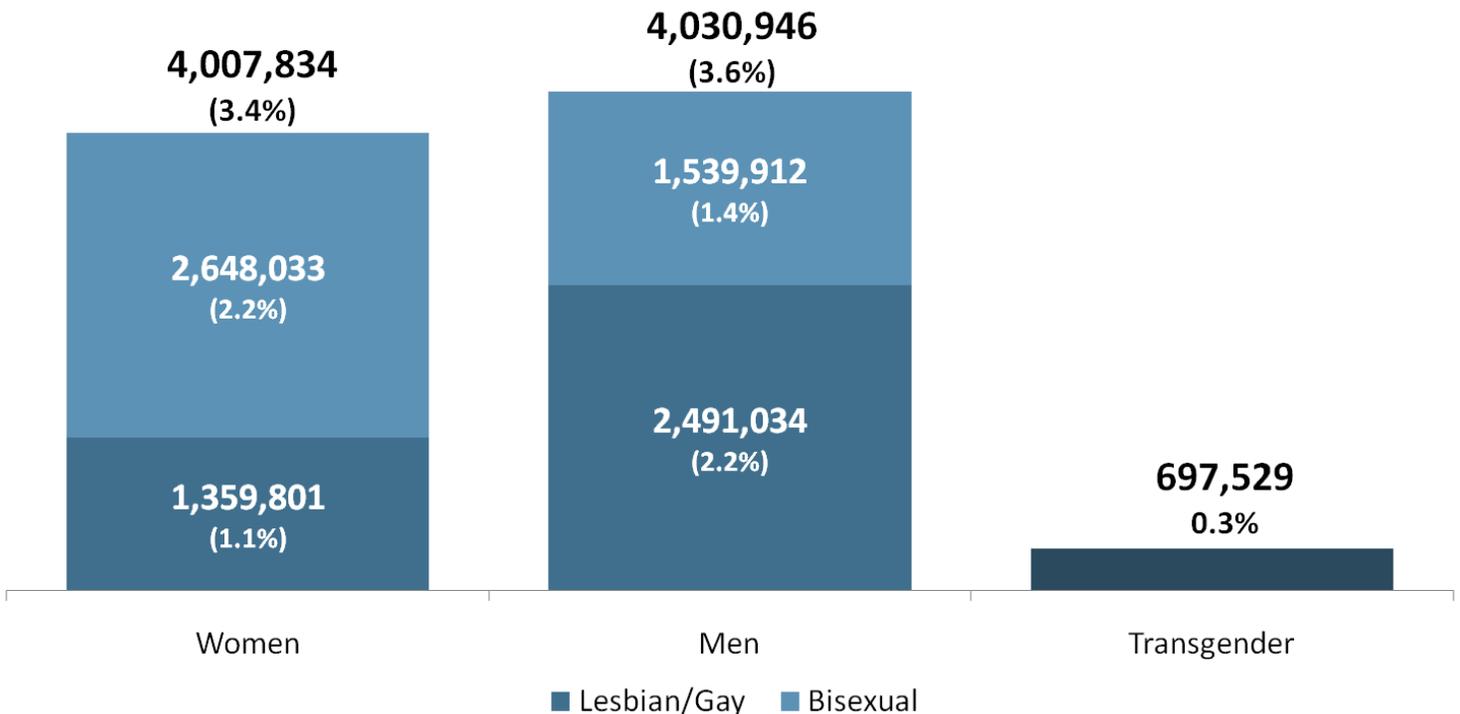
Separate averages are calculated for lesbian and bisexual women along with gay and

bisexual men. An estimate for the transgender population is derived by averaging the findings from the Massachusetts and California surveys cited earlier.

It should be noted that some transgender individuals may identify as lesbian, gay, or bisexual. So it is not possible to make a precise combined LGBT estimate. Instead, Figure 5 presents separate estimates for the number of LGB adults and the number of transgender adults.

The analyses suggest that there are more than 8 million adults in the US who are LGB, comprising 3.5% of the adult population. This is split nearly evenly between lesbian/gay and bisexual identified individuals, 1.7% and 1.8%, respectively. There are also nearly 700,000 transgender individuals in the US. Given these findings, it seems reasonable to assert that approximately 9 million Americans identify as LGBT.

Figure 5. Percent and number of adults who identify as LGBT in the United States.



Averaging measures of same-sex sexual behavior yields an estimate of nearly 19 million Americans (8.2%) who have engaged in same-sex sexual behavior.¹ The National Survey of Family Growth is the only source of US data on attraction and suggests that 11% or nearly 25.6 million Americans acknowledge at least some same-sex sexual attraction.²

By way of comparison, these analyses suggest that the size of the LGBT community is roughly equivalent to the population of New Jersey. The number of adults who have had same-sex sexual experiences is approximately equal to the population of Florida while those who have some same-sex attraction comprise more individuals than the population of Texas.

The surveys highlighted in this report demonstrate the viability of sexual orientation and gender identity questions on large-scale national population-based surveys. States and municipal governments are often testing grounds for the implementation of new LGBT-related public policies or can be directly affected by national-level policies. Adding sexual orientation and gender identity questions to national data sources that can provide local-level estimates and to state and municipal surveys is critical to assessing the potential efficacy and impact of such policies.

¹ This estimate uses data from the National Survey of Family Growth and the General Social Survey.

² Since the NSFG data only survey 18-44 year olds, this estimate assumes that patterns in this group are the same for those aged 45 and older. It may be that older adults are less likely to report same-sex attraction. If so, this estimate may somewhat overstate same-sex attraction among all adults.

References

- [Australian Longitudinal Study of Health and Relationships](#). Australian Research Centre in Sex, Health and Society, La Trobe University, Wave 1 Summary, 2005.
- California Health Interview Survey, 2009. Author analyses of data using [AskCHIS](#), UCLA Center for Health Policy Research.
- [California LGBT Tobacco Survey, 2004](#). Author analyses using machine-readable data file. California Department of Health Services, Tobacco Control Section.
- Chandra, A, Mosher, WD, Copen, C. [Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data from the 2006-2008 National Survey of Family Growth](#). National Health Statistics Report, Number 36, March 2011.
- Note: This report includes estimates cited from the National Epidemiological Survey on Alcohol Related Conditions and the National Survey of Sexual Health and Behavior.
- Conron, KJ, Scott, G, Stowell, GS, Landers, S. Transgender Health in Massachusetts: Results from a Household Probability Sample of Adults, *American Journal of Public Health*, forthcoming.
- Conway, L. [How Frequently Does Transsexualism Occur?](#), December 2002.
- Joloza, T, Evans, J, O'Brien, R. [Measuring Sexual Identity: An Evaluation Report](#), UK Office of National Statistics, September 2010.
- Olyslager, F, Conway, L. [On the Calculation of the Prevalence of Transsexualism](#). Paper presented at the WPATH 20th International Symposium, Chicago, Illinois, September 2007.
- Reed, B, Rhodes, S, Schofield, P, Wylie, K. [Gender Variance in the UK: Prevalence, Incidence, Growth, and Geographic Distribution](#). Gender Identity Research and Education Society, June 2009.
- SMART (Sexual Minority Assessment Research Team). [Best Practices for Asking Sexual Orientation on Surveys](#). Williams Institute, UCLA School of Law, November 2009.
- Smith, TW, Marsden, P, Hout, M, Kim, J. Author analyses of 2008 [General Social Survey](#) using machine-readable data file. National Opinion Research Center, University of Chicago, 2009.
- Tjepkema, M. [Health care use among gay, lesbian and bisexual Canadians](#). Statistics Canada, Health Reports, 19:1, March 2008.

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About the Institute

The Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at UCLA School of Law advances law and public policy through rigorous, independent research and scholarship, and disseminates its work through a variety of education programs and media to judges, legislators, lawyers, other policymakers and the public. These studies can be accessed at the Williams Institute website.

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Declaration of Luke C. Platzer

EXHIBIT AL



Published on *Media Matters for America* (<http://www.mediamatters.org> (<http://www.mediamatters.org>))

[Home \(/\)](#) > [A Comprehensive Guide To The Debunked "Bathroom Predator" Myth](#)

A Comprehensive Guide To The Debunked "Bathroom Predator" Myth

Here's The Evidence Refuting The Myth About Trans-Inclusive Bathrooms

Conservatives have long peddled the myth that sexual predators will exploit nondiscrimination laws to sneak into women's restrooms by pretending to be transgender. The "bathroom predator" myth has been repeatedly debunked -- by experts and government officials in 16 states and the District of Columbia, and school administrators in 23 school districts and four universities. Despite overwhelming evidence, many media outlets continue to uncritically repeat the debunked myth peddled by anti-LGBT groups.

[Here's The Truth About The Anti-LGBT "Bathroom Predator" ...](#) 

[States Experts and Law Enforcement Officials \(/print/719181#State Experts and Law Enforcement Officials\)](/print/719181#State%20Experts%20and%20Law%20Enforcement%20Officials)

[1]

[School Districts and Universities \(/print/719181#_Research_From_23\)](/print/719181#_Research_From_23) [2]

[Sexual Assault and Domestic Violence Prevention Experts \(/print/719181#_Advocates_for_Victims\)](/print/719181#_Advocates_for_Victims) [3]

Independent Investigators (/print/719181#Independent Fact-Checkers) [4]

Experts From 16 States And The District Of Columbia Reported No Issues As A Result Of Nondiscrimination Protections



16 STATES & D.C.
**DEBUNK "BATHROOM
PREDATOR" MYTH**

**Sexual assaults stemming from law
"not even remotely" a problem.**

John Elder, Spokesperson for Minneapolis Police

**"Zero allegations" of bathroom
sexual assault.**

Charlie Burr, Spokesperson for Oregon Bureau of
Labor and Industries

**"It's the most ridiculous thing I've
ever heard."**

Det. Nicole Monroe, Public Information Officer
with the Baltimore Police Department

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Experts In 12 States And Cities With LGBT Protections Debunk The "Bathroom Predator" Myth.

Experts -- including law enforcement officials, government employees, and advocates for victims of sexual assault -- in states and cities with LGBT nondiscrimination laws have debunked the "bathroom predator" myth, calling it baseless and "beyond specious." None reported incidents where sexual predators had taken advantage of LGBT nondiscrimination protections. [*Media Matters*, 3/20/14

(<http://mediamatters.org/research/2014/03/20/15-experts-debunk-right-wing-transgender-bathro/198533>) [5]

Washington Blade: Law Enforcement Officials In Delaware, Maryland, And Washington, D.C., Report No Issues From Nondiscrimination Laws.

The *Washington Blade* contacted law enforcement officials in Washington, D.C., Delaware, and Maryland -- all of which have LGBT nondiscrimination laws -- to ask if the "bathroom predator" myth had come true. Law enforcement officials reported that their civil rights laws hadn't been linked to any crime. A public information officer with the Baltimore Police Department called the "bathroom predator" talking point "the most ridiculous thing I've ever heard." [*Washington Blade*, 3/31/16

(<http://www.washingtonblade.com/2016/03/31/predictions-of-trans-bathroom-harassment-unfounded/>) [6]

Texas Experts Debunk The "Bathroom Predator" Myth. Experts -- including law enforcement officials, government employees, and advocates for sexual assault victims -- from three Texas cities with LGBT nondiscrimination ordinances debunked the "bathroom predator" myth, citing empirical evidence and experience working with sexual assault victims. [*Media Matters*, 10/15/15

(<http://mediamatters.org/research/2015/10/15/texas-experts-debunk-the-transgender-bathroom-p/206178>)

[7]

Florida Experts Debunk The "Bathroom Predator" Myth. Experts -- including law enforcement officials, government employees, and advocates for sexual assault victims -- from 10 different Florida cities and counties with LGBT nondiscrimination ordinances debunked the "bathroom predator" myth, citing empirical evidence and experience working with sexual assault victims. [*Media Matters*, 1/12/16

(<http://mediamatters.org/research/2016/01/12/florida-experts-debunk-the-transgender-bathroom/207916>) [8]

Research From 23 School Districts And Four Universities That Have Trans-Inclusive Policies Showed No Incidents Of Inappropriate Behavior



**23 SCHOOL DISTRICTS
& FOUR UNIVERSITIES
DEBUNK "BATHROOM**

PREDATOR” MYTH



These schools have **trans-inclusive policies** and serve an estimated **1.5 million students** each year without incident.

“We serve students according to their individual gender identity, we have had no reported incidents of any student abusing our policies.”

Phil Roeder, Director of Communications and Public Affairs for Des Moines Public Schools

“There is no correlation between unsafe school environments and providing equitable access to facilities for transgender and gender non-conforming students.”

Saint Paul Public Schools

“We haven't had any issues come up ... We want children to feel included and safe and comfortable.”

Jacque Paul, Spokesperson for Riverside Unified School District

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Seventeen School Districts Debunk “Bathroom Predator” Fears About Protections For Transgender Students. Seventeen school districts across the country, representing over 640,000 students, have implemented nondiscrimination protections allowing transgender students to use the facilities that

correspond with their gender identity. None of them have experienced issues concerning inappropriate bathroom use. [*Media Matters*, 6/3/15 (<http://mediamatters.org/research/2015/06/03/17-school-districts-debunk-right-wing-lies-abou/203867>) ^[9]]

Four North Carolina Universities Debunk The “Bathroom Predator” Myth. Davidson and Guilford colleges and Elon and Wake Forest universities have policies allowing transgender students to use the restrooms and facilities that correspond with their gender identity. None have reported negative incidents concerning bathroom access as a result of their nondiscrimination policies. [*Media Matters*, 4/5/16 (<http://mediamatters.org/research/2016/04/05/four-north-carolina-universities-debunk-anti-lg/209739>) ^[10]]

Six California School Districts Report No Inappropriate Behavior After Implementing Protections For Transgender Students. *Media Matters* contacted officials from a number of California’s largest school districts to determine if predictions about issues arising from providing protections for transgender students had proved accurate in the first month of a statewide school nondiscrimination law. None of the school districts reported incidents of harassment or inappropriate behavior as a result of the law. [*Media Matters*, 2/11/14 (<http://mediamatters.org/blog/2014/02/11/california-school-officials-debunk-right-wing-l/198001>) ^[11]]

Advocates for Victims of Sexual Assault And Domestic Violence Prevention Organizations Have Debunked The “Bathroom Predator” Myth



**ADVOCATES FOR VICTIMS
OF SEXUAL ASSAULT &
DOMESTIC VIOLENCE
DEBUNK "BATHROOM
PREDATOR" MYTH**

"Transgender people are not my boogeyman."

Cassandra Thomas, Chief Compliance Officer at the Houston Area Women's Center

"In the facts of sexual violence and the facts of rape and sexual assault, one of the most vulnerable populations there are is the transgender population."

Laura Palumbo, Communications Director at the National Sexual Violence Resource Center

"Sexual violence is not driven by gender differences but by power imbalances."

Tara Romano, President of NC Women United

mediamatters.org

National Coalition Of Over 250 Sexual Assault And Domestic Violence Organizations: Bathroom Predator Fears Are “False.” In April, the National Task Force To End Sexual And Domestic Violence Against Women released a statement condemning anti-transgender initiatives touted as public safety measures, writing:

Those who are pushing these proposals have claimed that these proposals are necessary for public safety and to prevent sexual violence against women and children. As rape crisis centers, shelters, and other service providers who work each and every day to meet the needs of all survivors and reduce sexual assault and domestic violence throughout society, we speak from experience and expertise when we state that these claims are false.

[...]

Transgender people already experience unconscionably high rates of sexual assault—and forcing them out of facilities consistent with the gender they live every day makes them vulnerable to assault. As advocates committed to ending sexual assault and domestic violence of every kind, we will never support any law or policy that could put anyone at greater risk for assault or harassment.

That is why we are able to strongly support transgender-inclusive nondiscrimination protections. [National Task Force To End Sexual And Domestic Violence Against Women, 4/21/16

(<http://endsexualviolence.org/where-we-stand/statement-of-antisexual-assault-domestic-violence-organizations-in-support-of-equal-access-for-the-transgender-community>) [12]

National Sexual Violence Resource Center: The “Bathroom Predator” Myth Perpetuates “False Narratives,” Making It Harder To Prevent Sexual Assault. Laura Palumbo is the communications director at the National Sexual Violence Resource Center (NSVRC) and a longtime expert on sexual violence prevention. In an interview with *Media Matters*, Palumbo explained that the “bathroom predator” myth perpetuates false narratives about sexual violence, making it harder to prevent sexual assault. Palumbo said the myth operates off of the “wrong assumption that we know who predators are and what they look like or what they behave like. Most people who experience sexual violence are harmed by someone that they know and trust.” Palumbo herself has “never heard of ... instances” nor “seen any research” to substantiate the transgender bathroom boogeyman. [*Media Matters*, 4/21/16

(<http://mediamatters.org/blog/2016/04/21/national-expert-anti-lgbt-bathroom-predator-fears-are-very-misinformed/210001>) [13]

Houston Sexual Assault Victims' Advocate: "Transgender People Are Not My Boogeyman."

Cassandra Thomas, chief compliance officer at the Houston Area Women's Center, dismissed the fearmongering of proponents of bathroom bills, citing decades of experience at an organization dedicated to helping individuals affected by domestic and sexual violence. In an interview with *Media Matters*, she questioned the motives of those promoting bathroom bills in the name of women's safety:

Transgender people are not my boogeyman in the closet. My boogeyman in the closet is the man who is a rapist who has a position of power, that everyone thinks, because he has power or because he's nice or because he's white, ... that 'I'm safe from him.' That is my biggest fear."

[...]

If these same people were concerned about the safety of women, they would have come out against any number of issues that have come up about sexual violence over the years, but they have been remarkably silent. So all of a sudden women are in danger because of transgender people? No. They're not.

[*Media Matters*, 10/15/15 (<http://mediamatters.org/blog/2015/10/15/an-expert-explains-why-the-right-wing-bathroom/206163>) ^[14]]

NC Women United: The "Bathroom Predator" Myth Bears No Connection To What We Know About Sexual Violence. Tara Romano, president of the North Carolina women's advocacy group NC Women United, denounced the "bathroom predator" myth, explaining that "violence already occurs in gender-segregated spaces like bathrooms, dormitories and locker rooms; because predators aren't waiting for a formal invitation." She added that "sexual violence is not driven by gender differences but by power imbalances." [NC Policy Watch, 3/3/16 (<http://www.ncpolicywatch.com/2016/03/03/the-truth-about-sexual-violence-and-the-charlotte-nondiscrimination-ordinance/>) ^[15]]

Independent Fact-Checkers Have Debunked The "Bathroom Predator" Myth

***Houston Chronicle's* Lisa Falkenberg: "Bathroom Predator" Talking Point Is An "Urban Myth."**

Pulitzer Prize-winning *Houston Chronicle* columnist Lisa Falkenberg reached out to state and local experts across the country to ask if the "bathroom predator" myth had proved accurate in cities and states with LGBT nondiscrimination protections, concluding that the talking point is an "urban myth." [*Houston Chronicle*, 8/22/15 (<http://www.houstonchronicle.com/news/columnists/falkenberg/article/Anti-ordinance-campaign-s-scare-tactics-need-to-6465444.php>) ^[16]]

Crosscut's Independent Investigation Debunked The "Bathroom Predator" Myth With Evidence From Nevada, Oregon, And Hawaii.

The independent nonprofit journal Crosscut contacted officials in Nevada, Oregon, and Hawaii, three states with LGBT nondiscrimination laws, to ask if the "bathroom predator" horror

story had proved accurate. Officials from all three states reported that their civil rights laws hadn't been linked to crimes in public bathrooms. [Crosscut.com, 2/10/16 (<http://crosscut.com/2016/02/transgender-threat-other-states-dont-see-an-issue/>) [17]]

PolitiFact North Carolina: We Haven't Found Any Instances Of Predators Using Transgender Protections As Cover In The United States. PolitiFact North Carolina investigated claims made by Equality NC's executive director, Chris Sgro, who said that many large cities have LGBT nondiscrimination protections and that there "have not been any public safety issues in those other communities." According to PolitiFact North Carolina's research, there haven't been a single case of someone using transgender nondiscrimination laws as a cover for criminal activity. [North Carolina Politifact, 4/1/16 (<http://www.politifact.com/north-carolina/statements/2016/apr/01/chris-sgro/equality-nc-director-no-public-safety-risks-cities/>) [18]]

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[5] <http://mediamatters.org/research/2014/03/20/15-experts-debunk-right-wing-transgender-bathro/198533>

[6] <http://www.washingtonblade.com/2016/03/31/predictions-of-trans-bathroom-harassment-unfounded/>

[7] <http://mediamatters.org/research/2015/10/15/texas-experts-debunk-the-transgender-bathroom-p/206178>

[8] <http://mediamatters.org/research/2016/01/12/florida-experts-debunk-the-transgender-bathroom/207916>

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[10] <http://mediamatters.org/research/2016/04/05/four-north-carolina-universities-debunk-anti-lg/209739>

[11] <http://mediamatters.org/blog/2014/02/11/california-school-officials-debunk-right-wing-l/198001>

[12] <http://endsexualviolence.org/where-we-stand/statement-of-antisexual-assault-domestic-violence-organizations-in-support-of-equal-access-for-the-transgender-community>

[13] <http://mediamatters.org/blog/2016/04/21/national-expert-anti-lgbt-bathroom-predator-fears-are-very-misinformed/210001>

[14] <http://mediamatters.org/blog/2015/10/15/an-expert-explains-why-the-right-wing-bathroom/206163>

[15] <http://www.ncpolicywatch.com/2016/03/03/the-truth-about-sexual-violence-and-the-charlotte-nondiscrimination-ordinance/>

[16] <http://www.houstonchronicle.com/news/columnists/falkenberg/article/Anti-ordinance-campaign-s-scare-tactics-need-to-6465444.php>

[17] <http://crosscut.com/2016/02/transgender-threat-other-states-dont-see-an-issue/>

[18] <http://www.politifact.com/north-carolina/statements/2016/apr/01/chris-sgro/equality-nc-director-no-public-safety-risks-cities/>

[19] <http://www.mediamatters.org/issues/lgbt>

[20] <http://www.mediamatters.org/stories-and-interests/bathroom-predator-myth>

Declaration of Luke C. Platzer

EXHIBIT AM

Examples of Policies and Emerging Practices for Supporting Transgender Students



U.S. Department of Education

Office of Elementary and Secondary Education

Office of Safe and Healthy Students

May 2016

U.S. Department of Education
Office of Elementary and Secondary Education
Office of Safe and Healthy Students

Ann Whalen
Senior Advisor to the Secretary, Delegated the Duties of the Assistant Secretary, Office of Elementary and Secondary Education

David Esquith
Director, Office of Safe and Healthy Students

May 2016

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Examples of Policies and Emerging Practices for Supporting Transgender Students

The U.S. Department of Education (“ED”) is committed to providing schools with the information they need to provide a safe, supportive, and nondiscriminatory learning environment for all students. It has come to ED’s attention that many transgender students (*i.e.*, students whose gender identity is different from the sex they were assigned at birth) report feeling unsafe and experiencing verbal and physical harassment or assault in school, and that these students may perform worse academically when they are harassed. School administrators, educators, students, and parents are asking questions about how to support transgender students and have requested clarity from ED. In response, ED developed two documents:

- ED’s Office for Civil Rights and the U.S. Department of Justice’s Civil Rights Division jointly issued a Dear Colleague Letter (“DCL”) about transgender students’ rights and schools’ legal obligations under Title IX of the Education Amendments of 1972.¹ Any school that has questions related to transgender students or wants to be prepared to address such issues if they arise should review the DCL.
- ED’s Office of Elementary and Secondary Education compiled the attached examples of policies² and emerging practices³ that some schools are already using to support transgender students. We share some common questions on topics such as school records, privacy, and terminology, and then explain how some state and school district policies have answered these questions. We present this information to illustrate how states and school districts are supporting transgender students. We also provide information about and links to those policies at the end of the document, along with other resources that may be helpful as educators develop policies and practices for their own schools.

¹ 20 U.S.C. §§ 1681-1688; Dear Colleague Letter: Transgender Students (May 13, 2016), www.ed.gov/ocr/letters/colleague-201605-title-ix-transgender.pdf.

² In this document, the term *policy* or *policies* refers generally to policies, guidance, guidelines, procedures, regulations, and resource guides issued by schools, school districts, and state educational agencies.

³ ED considers *emerging practices* to be operational activities or initiatives that contribute to successful outcomes or enhance agency performance capabilities. Emerging practices are those that have been successfully implemented and demonstrate the potential for replication by other agencies. Emerging practices typically have not been rigorously evaluated, but still offer ideas that work in specific situations.

Each person is unique, so the needs of individual transgender students vary. But a school policy setting forth general principles for supporting transgender students can help set clear expectations for students and staff and avoid unnecessary confusion, invasions of privacy, and other harms. The education community continues to develop and revise policies and practices to address the rights of transgender students and reflect our evolving understanding and the individualized nature of transgender students' needs.

This document contains information from some schools, school districts, and state and federal agencies. Inclusion of this information does not constitute an endorsement by ED of any policy or practice, educational product, service, curriculum or pedagogy. In addition, this document references websites that provide information created and maintained by other entities. These references are for the reader's convenience. ED does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. This document does not constitute legal advice, create legal obligations, or impose new requirements.

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Student Transitions

1. How do schools find out that a student will transition?

Typically, the student or the student's parent or guardian will tell the school and ask that the school start treating the student in a manner consistent with the student's gender identity. Some students transition over a school break, such as summer break. Other students may undergo a gender transition during the school year, and may ask (or their parents may ask on their behalf) teachers and other school employees to respect their identity as they begin expressing their gender identity, which may include changes to their dress and appearance. Some school district or state policies address how a student or parent might provide the relevant notice to the school.

- Alaska's Matanuska-Susitna Borough School District issued guidelines ("Mat-Su Borough Guidelines") advising that transgender students or their parents or guardians should contact the building administrator or the student's guidance counselor to schedule a meeting to develop a plan to address the student's particular circumstances and needs.
- The guidelines issued by Washington's Superintendent of Public Instruction ("Washington State Guidelines") offer an example of a student who first attended school as a boy and, about midway through a school year, she and her family decided that she would transition and begin presenting as a girl. She prefers to dress in stereotypically feminine attire such as dresses and skirts. Although she is growing her hair out and consistently presents as female at school, her hair is still in a rather short, typically boyish haircut. The student, her parents, and school administrators asked her friends and teachers to use female pronouns to address her.

2. How do schools confirm a student's gender identity?

Schools generally rely on students' (or in the case of younger students, their parents' or guardians') expression of their gender identity. Although schools sometimes request some form of confirmation, they generally accept the student's asserted gender identity. Some schools offer additional guidance on this issue.

- Los Angeles Unified School District issued a policy ("LAUSD Policy") noting that "[t]here is no medical or mental health diagnosis or treatment threshold that

students must meet in order to have their gender identity recognized and respected” and that evidence may include an expressed desire to be consistently recognized by their gender identity.

- The New York State Education Department issued guidance (“NYSED Guidance”) recommending that “schools accept a student’s assertion of his/her/their own gender identity” and provides examples of ways to confirm the assertion, such as a statement from the student or a letter from an adult familiar with the student’s situation. The same guidance also offers the following example: “In one middle school, a student explained to her guidance counselor that she was a transgender girl who had heretofore only been able to express her female gender identity while at home. The stress associated with having to hide her female gender identity by presenting as male at school was having a negative impact on her mental health, as well as on her academic performance. The student and her parents asked if it would be okay if she expressed her female gender identity at school. The guidance counselor responded favorably to the request. The fact that the student presented no documentation to support her gender identity was not a concern since the school had no reason to believe the request was based on anything other than a sincerely held belief that she had a female gender identity.”
- Alaska’s Anchorage School District developed administrative guidelines (“Anchorage Administrative Guidelines”) noting that being transgender “involves more than a casual declaration of gender identity or expression but does not require proof of a formal evaluation and diagnosis. Since individual circumstances, needs, programs, facilities and resources may differ; administrators and school staff are expected to consider the needs of the individual on a case-by-case basis.”

3. How do schools communicate with the parents of younger students compared to older transgender students?

Parents are often the first to initiate a conversation with the school when their child is transgender, particularly when younger children are involved. Parents may play less of a role in an older student’s transition. Some school policies recommend, with regard to an older student, that school staff consult with the student before reaching out to the student’s parents.

- The District of Columbia Public Schools issued guidance (“DCPS Guidance”) noting that “students may choose to have their parents participate in the transition process, but parental participation is not required.” The guidance further

recommends different developmentally appropriate protocols depending on grade level. The DCPS Guidance suggests that the school work with a young student's family to identify appropriate steps to support the student, but recommends working closely with older students prior to notification of family. The guidance also provides a model planning document with key issues to discuss with the student or the student's family.

- Similarly, the Massachusetts Department of Elementary and Secondary Education issued guidance ("Massachusetts Guidance") that notes: "Some transgender and gender nonconforming students are not openly so at home for reasons such as safety concerns or lack of acceptance. School personnel should speak with the student first before discussing a student's gender nonconformity or transgender status with the student's parent or guardian. For the same reasons, school personnel should discuss with the student how the school should refer to the student, *e.g.*, appropriate pronoun use, in written communication to the student's parent or guardian."
- Chicago Public Schools' guidelines ("Chicago Guidelines") provide: "When speaking with other staff members, parents, guardians, or third parties, school staff should not disclose a student's preferred name, pronoun, or other confidential information pertaining to the student's transgender or gender nonconforming status without the student's permission, unless authorized to do so by the Law Department."
- Oregon's Department of Education issued guidance stating, "In a case where a student is not yet able to self-advocate, the request to respect and affirm a student's identity will likely come from the student's parent. However, in other cases, transgender students may not want their parents to know about their transgender identity. These situations should be addressed on a case-by-case basis and school districts should balance the goal of supporting the student with the requirement that parents be kept informed about their children. The paramount consideration in such situations should be the health and safety of the student, while also making sure that the student's gender identity is affirmed in a manner that maintains privacy and confidentiality."

Privacy, Confidentiality, and Student Records

4. How do schools protect a transgender student's privacy regarding the student's transgender status?

There are a number of ways schools protect transgender students' interests in keeping their transgender status private, including taking steps to prepare staff to consistently use the appropriate name and pronouns. Using transgender students' birth names or pronouns that do not match their gender identity risks disclosing a student's transgender status. Some state and school district policies also address how federal and state privacy laws apply to transgender students and how to keep information about a student's transgender status confidential.

- California's El Rancho Unified School District issued a regulation ("El Rancho Regulation") that provides that students have the right to openly discuss and express their gender identity, but also reminds school personnel to be "mindful of the confidentiality and privacy rights of [transgender] students when contacting parents/legal guardians so as not to reveal, imply, or refer to a student's actual or perceived sexual orientation, gender identity, or gender expression."
- The Chicago Guidelines provide that the school should convene an administrative support team to work with transgender students and/or their parents or guardians to address each student's individual needs and supports. To protect the student's privacy, this team is limited to "the school principal, the student, individuals the student identifies as trusted adults, and individuals the principal determines may have a legitimate interest in the safety and healthy development of the student."
- The Mat-Su Borough Guidelines state: "In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information)."
- The Massachusetts Guidance advises schools "to collect or maintain information about students' gender only when necessary" and offers an example: "One school reviewed the documentation requests it sent out to families and noticed that field trip permission forms included a line to fill in indicating the student's gender. Upon consideration, the school determined that the requested information was irrelevant to the field trip activities and deleted the line with the gender marker request."

5. How do schools ensure that a transgender student is called by the appropriate name and pronouns?

One of the first issues that school officials may address when a student notifies them of a gender transition is determining which name and pronouns the student prefers. Some schools have adopted policies to prepare all school staff and students to use a student's newly adopted name, if any, and pronouns that are consistent with a student's gender identity.

- A regulation issued by Nevada's Washoe County School District ("Washoe County Regulation") provides that: "Students have the right to be addressed by the names and pronouns that correspond to their gender identity. Using the student's preferred name and pronoun promotes the safety and wellbeing of the student. When possible, the requested name shall be included in the District's electronic database in addition to the student's legal name, in order to inform faculty and staff of the name and pronoun to use when addressing the student."
- A procedure issued by Kansas City Public Schools in Missouri ("Kansas City Procedure") notes that: "The intentional or persistent refusal to respect the gender identity of an employee or student after notification of the preferred pronoun/name used by the employee or student is a violation of this procedure."
- The NYSED Guidance provides: "As with most other issues involved with creating a safe and supportive environment for transgender students, the best course is to engage the student, and possibly the parent, with respect to name and pronoun use, and agree on a plan to reflect the individual needs of each student to initiate that name and pronoun use within the school. The plan also could include when and how this is communicated to students and their parents."
- The DCPS Guidance includes a school planning guide for principals to review with transgender students as they plan how to ensure the school environment is safe and supportive. The school planning guide allows the student to identify the student's gender identity and preferred name, key contacts at home and at school, as well as develop plans for access to restrooms, locker rooms, and other school activities.

6. How do schools handle requests to change the name or sex designation on a student's records?

Some transgender students may legally change their names. However, transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to financial limitations or legal restrictions imposed by state or local law). Some school district policies specify that they will use the name a student identifies as consistent with the student's gender identity regardless of whether the student has completed a legal name change.

- The NYSED Guidance provides that school records, including attendance records, transcripts, and Individualized Education Programs, be updated with the student's chosen name and offers an example: "One school administrator dealt with information in the student's file by starting a new file with the student's chosen name, entered previous academic records under the student's chosen name, and created a separate, confidential folder that contained the student's past information and birth name."
- The DCPS Guidance notes: "A court-ordered name or gender change is not required, and the student does not need to change their official records. If a student wishes to go by another name, the school's registrar can enter that name into the 'Preferred First' name field of [the school's] database."
- The Kansas City Procedure recognizes that there are certain situations where school staff or administrators may need to report a transgender student's legal name or gender. The procedure notes that in these situations, "school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information."
- The Chicago Guidelines state: "Students are not required to obtain a court order and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity."
- The Massachusetts Guidance also addresses requests to amend records after graduation: "Transgender students who transition after having completed high school may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, and when satisfied with the gender identity information provided, schools should amend the student's record."

Sex-Segregated Activities and Facilities

7. How do schools ensure transgender students have access to facilities consistent with their gender identity?

Schools often segregate restrooms and locker rooms by sex, but some schools have policies that students must be permitted to access facilities consistent with their gender identity and not be required to use facilities inconsistent with their gender identity or alternative facilities.

- The Washington State Guidelines provide: “School districts should allow students to use the restroom that is consistent with their gender identity consistently asserted at school.” In addition, no student “should be required to use an alternative restroom because they are transgender or gender nonconforming.”
- The Washoe County Regulation provides: “Students shall have access to use facilities that correspond to their gender identity as expressed by the student and asserted at school, irrespective of the gender listed on the student’s records, including but not limited to locker rooms.”
- The Anchorage Administrative Guidelines emphasize the following provision: “However, staff should not require a transgender or gender nonconforming student/employee to use a separate, nonintegrated space unless requested by the individual student/employee.”

8. How do schools protect the privacy rights of all students in restrooms or locker rooms?

Many students seek additional privacy in school restrooms and locker rooms. Some schools have provided students increased privacy by making adjustments to sex-segregated facilities or providing all students with access to alternative facilities.

- The Washington State Guidelines provide that any student who wants increased privacy should be provided access to an alternative restroom or changing area. The guidelines explain: “This allows students who may feel uncomfortable sharing the facility with the transgender student(s) the option to make use of a separate restroom and have their concerns addressed without stigmatizing any individual student.”

- The NYSED Guidance gives an example of accommodating all students' interest in privacy: "In one high school, a transgender female student was given access to the female changing facility, but the student was uncomfortable using the female changing facility with other female students because there were no private changing areas within the facility. The principal examined the changing facility and determined that curtains could easily be put up along one side of a row of benches near the group lockers, providing private changing areas for any students who wished to use them. After the school put up the curtains, the student was comfortable using the changing facility."
- Atherton High School, in Jefferson County, Kentucky, issued a policy that offers examples of accommodations to address any student's request for increased privacy: "use of a private area within the public area of the locker room facility (e.g. nearby restroom stall with a door or an area separated by a curtain); use of a nearby private area (e.g. nearby restroom); or a separate changing schedule."
- The DCPS Guidance recommends talking to students to come up with an acceptable solution: "Ultimately, if a student expresses discomfort to any member of the school staff, that staff member should review these options with the student and ask the student permission to engage the school LGBTQ liaison or another designated ally in the building."

9. How do schools ensure transgender students have the opportunity to participate in physical education and athletics consistent with their gender identity?

Some school policies explain the procedures for establishing transgender students' eligibility to participate in athletics consistent with their gender identity. Many of those policies refer to procedures established by state athletics leagues or associations.

- The NYSED Guidance explains that "physical education is a required part of the curriculum and an important part of many students' lives. Most physical education classes in New York's schools are coed, so the gender identity of students should not be an issue with respect to these classes. Where there are sex-segregated classes, students should be allowed to participate in a manner consistent with their gender identity."
- The LAUSD Policy provides that "participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a

manner consistent with the student's gender identity asserted at school and in accordance with the California Interscholastic Federation bylaws." The California Interscholastic Federation establishes a panel of professionals, including at least one person with training or expertise in gender identity health care or advocacy, to make eligibility decisions.

- The Rhode Island Interscholastic League's policy states that all students should have the opportunity to participate in athletics consistent with their gender identity, regardless of the gender listed on school records. The policy provides that the league will base its eligibility determination on the student's current transcript and school registration information, documentation of the student's consistent gender identification (*e.g.*, affirmed written statements from student, parent/guardian, or health care provider), and any other pertinent information.

10. How do schools treat transgender students when they participate in field trips and athletic trips that require overnight accommodations?

Schools often separate students by sex when providing overnight accommodations. Some school policies provide that students must be treated consistent with their gender identity in making such assignments.

- Colorado's Boulder Valley School District issued guidelines ("Boulder Valley Guidelines") providing that when a school plans overnight accommodations for a transgender student, it should consider "the goals of maximizing the student's social integration and equal opportunity to participate in overnight activity and athletic trips, ensuring the [transgender] student's safety and comfort, and minimizing stigmatization of the student."
- The Chicago Guidelines remind school staff: "In no case should a transgender student be denied the right to participate in an overnight field trip because of the student's transgender status."

Additional Practices to Support Transgender Students

11. What can schools do to make transgender students comfortable in the classroom?

Classroom practices that do not distinguish or differentiate students based on their gender are the most inclusive for all students, including transgender students.

- The DCPS Guidance suggests that “[w]herever arbitrary gender dividers can be avoided, they should be eliminated.”
- The Massachusetts Guidance states that “[a]s a general matter, schools should evaluate all gender-based policies, rules, and practices and maintain only those that have a clear and sound pedagogical purpose.”
- Minneapolis Public Schools issued a policy providing that students generally should not be grouped on the basis of sex for the purpose of instruction or study, but rather on bases such as student proficiency in the area of study, student interests, or educational needs for acceleration or enrichment.
- The Maryland State Department of Education issued guidelines that include an example of eliminating gender-based sorting of students: “Old Practice: boys line up over here.” New Practice: birthdays between January and June; everybody who is wearing something green, etc.”

12. How do school dress codes apply to transgender students?

Dress codes that apply the same requirements regardless of gender are the most inclusive for all students and avoid unnecessarily reinforcing sex stereotypes. To the extent a school has a dress code that applies different standards to male and female students, some schools have policies that allow transgender students to dress consistent with their gender identity.

- Wisconsin’s Shorewood School District issued guidelines (“Shorewood Guidelines”) that allow students to dress in accordance with their gender identity and remind school personnel that they must not enforce a dress code more strictly against transgender and gender nonconforming students than other students.
- The Washington State Guidelines encourage school districts to adopt gender-neutral dress codes that do not restrict a student’s clothing choices on the basis of gender: “Dress codes should be based on educationally relevant considerations, apply

consistently to all students, include consistent discipline for violations, and make reasonable accommodations when the situation requires an exception.”

13. How do schools address bullying and harassment of transgender students?

Unfortunately, bullying and harassment continue to be a problem facing many students, and transgender students are no exception. Some schools make clear in their nondiscrimination statements that prohibited sex discrimination includes discrimination based on gender identity and expression. Their policies also address this issue.

- The NYSED Guidance stresses the importance of protecting students from bullying and harassment because “[the] high rates experienced by transgender students correspond to adverse health and educational consequences,” including higher rates of absenteeism, lower academic achievement, and stunted educational aspirations.
- The Shorewood Guidelines specify that harassment based on a student’s actual or perceived transgender status or gender nonconformity is prohibited and notes that these complaints are to be handled in the same manner as other discrimination, harassment, and bullying complaints.
- The DCPS Guidance provides examples of prohibited harassment that transgender students sometimes experience, including misusing an individual’s preferred name or pronouns on purpose, asking personal questions about a person’s body or gender transition, and disclosing private information.

14. How do school psychologists, school counselors, school nurses, and school social workers support transgender students?

School counselors can help transgender students who may experience mental health disorders such as depression, anxiety, and posttraumatic stress. Mental health staff may also consult with school administrators to create inclusive policies, programs, and practices that prevent bullying and harassment and ensure classrooms and schools are safe, healthy, and supportive places where all students, including transgender students, are respected and can express themselves. Schools will be in a better position to support transgender students if they communicate to all students that resources are available, and that they are competent to provide support and services to any student who has questions related to gender identity.

- The NYSED Guidance suggests that counselors can serve as a point of contact for transgender students who seek to take initial steps to assert their gender identity in school.
- The Chicago Guidelines convene a student administrative support team to determine the appropriate supports for transgender students. The team consists of the school principal, the student, adults that the student trusts, and individuals the principal determines may have a legitimate interest in the safety and healthy development of the student.

15. How do schools foster respect for transgender students among members of the broader school community?

Developing a clear policy explaining how to support transgender students can help communicate the importance the school places on creating a safe, healthy, and nondiscriminatory school climate for all students. Schools can do this by providing educational programs aimed at staff, students, families, and other community members.

- The Massachusetts Guidance informs superintendents and principals that they “need to review existing policies, handbooks, and other written materials to ensure they are updated to reflect the inclusion of gender identity in the student antidiscrimination law, and may wish to inform all members of the school community, including school personnel, students, and families of the recent change to state law and its implications for school policy and practice. This could take the form of a letter that states the school’s commitment to being a supportive, inclusive environment for all students.”
- The NYSED Guidance states that “school districts are encouraged to provide this guidance document and other resources, such as trainings and information sessions, to the school community including, but not limited to, parents, students, staff and residents.”

16. What topics do schools address when training staff on issues related to transgender students?

Schools can reinforce commitments to providing safe, healthy, and nondiscriminatory school climates by training all school personnel about appropriate and respectful treatment of all students, including transgender students.

- The Massachusetts Guidance suggests including the following topics in faculty and staff training “key terms related to gender identity and expression; the development of gender identity; the experiences of transgender and other gender nonconforming students; risks and resilience data regarding transgender and gender nonconforming students; ways to support transgender students and to improve school climate for gender nonconforming students; [and] gender-neutral language and practices.”
- The El Rancho Regulation states that the superintendent or designee “shall provide to employees, volunteers, and parents/guardians training and information regarding the district’s nondiscrimination policy; what constitutes prohibited discrimination, harassment, intimidation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.”

17. How do schools respond to complaints about the way transgender students are treated?

School policies often provide that complaints from transgender students be handled under the same policy used to resolve other complaints of discrimination or harassment.

- The Boulder Valley Guidelines provide that “complaints alleging discrimination or harassment based on a person’s actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.”
- The Anchorage Administrative Guidelines provide that “students may also use the Student Grievance Process to address any civil rights issue, including transgender issues at school.”

Terminology

18. What terms are defined in current school policies on transgender students?

Understanding the needs of transgender students includes understanding relevant terminology. Most school policies define commonly used terms to assist schools in understanding key concepts relevant to transgender students. The list below is not exhaustive, and only includes examples of some of the most common terms that school policies define.

- *Gender identity* refers to a person’s deeply felt internal sense of being male or female, regardless of their sex assigned at birth. (Washington State Guidelines)
- *Sex assigned at birth* refers to the sex designation, usually “male” or “female,” assigned to a person when they are born. (NYSED Guidance)
- *Gender expression* refers to the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms. (Washoe County Regulation)
- *Transgender* or *trans* describes a person whose gender identity does not correspond to their assigned sex at birth. (Massachusetts Guidance)
- *Gender transition* refers to the process in which a person goes from living and identifying as one gender to living and identifying as another. (Washoe County Regulation)
- *Cisgender* describes a person whose gender identity corresponds to their assigned sex at birth. (NYSED Guidance)
- *Gender nonconforming* describes people whose gender expression differs from stereotypic expectations. The terms *gender variant* or *gender atypical* are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither. (NYSED Guidance)
- *Intersex* describes individuals born with chromosomes, hormones, genitalia and/or other sex characteristics that are not exclusively male or female as defined by the medical establishment in our society. (DCPS Guidance)
- *LGBTQ* is an acronym that stands for “lesbian, gay, bisexual, transgender, and queer/questioning.” (LAUSD Policy)

- *Sexual orientation* refers to a person’s emotional and sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different. (LAUSD Policy)

19. How do schools account for individual preferences and the diverse ways that students describe and express their gender?

Some students may use different terms to identify themselves or describe their situations. For example, a transgender male student may identify simply as male, consistent with his gender identity. The same principles apply even if students use different terms. Some school policies directly address this question and provide additional guidance.

- The Washington State Guidelines recognize how “terminology can differ based on religion, language, race, ethnicity, age, culture and many other factors.”
- Washington’s Federal Way School District issued a resource guide that states: “Keep in mind that the meaning of gender conformity can vary from culture to culture, so these may not translate exactly to Western ideas of what it means to be transgender. Some of these identities include Hijra (South Asia), Fa’afafine (Samoa), Kathoey (Thailand), Travesti (South America), and Two-Spirit (Native American/First Nations).”
- The Washoe County Regulation, responding to cultural diversity within the state, offers examples of “ways in which transgender and gender nonconforming youth describe their lives and gendered experiences: trans, transsexual, transgender, male-to-female (MTF), female-to-male (FTM), bi-gender, two-spirit, trans man, and trans woman.”
- The DCPS Guidance provides this advice to staff: “If you are unsure about a student’s preferred name or pronouns, it is appropriate to privately and tactfully ask the student what they prefer to be called. Additionally, when speaking about a student it is rarely necessary to label them as being transgender, as they should be treated the same as the rest of their peers.”

Cited Policies on Transgender Students

- Anchorage School District (AK): *Administrative Guidelines: Working with Transgender and Gender Nonconforming Students and Employees* (2015) (on file with ED)
- Atherton High School, Jefferson County School District (KY), *Policy on School Space* (2014), www.jefferson.k12.ky.us/schools/high/atherton/SBDMDocuments/Policy%20500%20Draft-%20Los%20Angeles%20Unified%20School%20District%20Revised%20Model.pdf
- Boulder Valley School District (CO), *Guidelines Regarding the Support of Students and Staff Who Are Transgender and/or Gender Nonconforming* (2016), <http://www.bvsvd.org/policies/Policies/AC-E3.pdf>
- California Interscholastic Federation, *Guidelines for Gender Identity Participation* (2015), http://static.psb.in.com/m/5/0ndq7wwfgh2em9/Guidelines_for_Gender_Identity_Participation.pdf
- Chicago Public Schools (IL), *Guidelines Regarding the Support of Transgender and Gender Nonconforming Students* (2016), cps.edu/SiteCollectionDocuments/TL_TransGenderNonconformingStudents_Guidelines.pdf
- District of Columbia Public Schools, *Transgender and Gender-Nonconforming Policy Guidance* (2015), dcps.dc.gov/publication/dcps-transgender-and-gender-non-conforming-policy-guidance
- El Rancho Unified School District, *Transgender and Gender-Nonconforming Students* (AR 5145.3) (2014), www.erusd.org/pdf/board_policies/5145_3.pdf
- Federal Way Public Schools (WA), *Working with Transgender and Gender-Nonconforming Students and Staff* (2014-2015), www.fwps.net/districtresources/wp-content/uploads/sites/32/2013/12/FWPS_Transgender3.pdf?7a385a
- Kansas City 33 School District (MO), *Prohibition Against Discrimination, Harassment and Retaliation (Transgender and Gender Nonconforming Employee and Students)* (2013), [eboard.eboardsolutions.com/ePolicy/policy.aspx?PC=AC-AP\(1\)&Sch=228&S=228&RevNo=1.01&C=A&Z=R](http://eboard.eboardsolutions.com/ePolicy/policy.aspx?PC=AC-AP(1)&Sch=228&S=228&RevNo=1.01&C=A&Z=R)
- Los Angeles Unified School District (CA), *Transgender Students – Ensuring Equity and Nondiscrimination* (2014), notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/FLDR_GENERAL_COUNSEL/BUL-6224.1%20TRANSGENDER%20POLICY,%2008-15-14%20-%20ADDED%20ED%20CODE%20221%205.PDF

- Maryland State Department of Education, *Providing Safe Spaces for Transgender and Gender Non-Conforming Youth: Guidelines for Gender Identity Non-Discrimination* (2015), marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/docs/ProvidingSafeSpacesTransgendergenderNonConformingYouth012016.pdf
- Massachusetts Department of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity* (2014), www.doe.mass.edu/ssce/GenderIdentity.pdf
- Matanuska-Susitna Borough School District (AK), *Transgender Student Guidelines* (2015), www.matsuk12.us/site/handlers/filedownload.ashx?moduleinstanceid=10846&dataid=41646&FileName=Title IX--Transgender Students Guidelines.pdf
- Minneapolis Public Schools (MN), *Permissible Grouping Principles* (2014), policy.mpls.k12.mn.us/uploads/regulation_6135_a.pdf
- New York State Education Department, *Guidance to School Districts for Creating a Safe and Supportive School Environment for Transgender and Gender Nonconforming Students* (2015), www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf
- Oregon Department of Education, *Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students* (2016), www.ode.state.or.us/groups/supportstaff/hklb/schoolnurses/transgenderstudentguidance.pdf
- Rhode Island Interscholastic League, *Rules & Regulations* (Article I, Section 22 – Gender Identity), www.riil.org/files/8214/3861/6354/ARTICLE_1_ORGANIZATION_2015.pdf
- Shorewood School District (WI), *Nondiscrimination Guidelines Related to Students Who Are Transgender and Students Nonconforming to Gender Role Stereotypes* (2014), www.shorewood.k12.wi.us/uploaded/Board_Documents/Policies/411_Guidelines_and_Exhibit.pdf?1393865642372
- Washington Office of State Superintendent of Public Instruction, *Prohibiting Discrimination in Washington Public Schools* (2012), www.k12.wa.us/Equity/pubdocs/ProhibitingDiscriminationInPublicSchools.pdf
- Washoe County School District (NV), *Gender Identity and Gender Non-Conformity – Students* (2015), washoecountyschools.net/csi/pdf_files/5161%20Reg%20-%20Gender%20Identity%20v1.pdf

Select Federal Resources on Transgender Students

- U.S. Department of Education
 - Office for Civil Rights and U.S. Department of Justice's Civil Rights Division, *Dear Colleague Letter: Transgender Students* (May 13, 2016), www.ed.gov/ocr/letters/colleague-201605-title-ix-transgender.pdf
 - Office for Civil Rights, *Resources for Transgender and Gender-Nonconforming Students*, www.ed.gov/ocr/lgbt.html
 - Office for Civil Rights, *Publications on Title IX*, www.ed.gov/about/offices/list/ocr/publications.html#TitleIX
 - Office for Civil Rights, *How to File a Discrimination Complaint*, www.ed.gov/about/offices/list/ocr/docs/howto.html
 - National Center on Safe Supportive Learning Environments, safesupportivelearning.ed.gov

- U.S. Department of Health and Human Services
 - Administration for Children and Families, *Resources for Serving Lesbian, Gay, Bisexual and Transgender Youth*, <http://ncfy.acf.hhs.gov/features/serving-lesbian-gay-bisexual-transgender-and-questioning-youth-open-arms/resources-serving>
 - Centers for Disease Control and Prevention, *LGBT Youth Resources*, www.cdc.gov/lgbthealth/youth-resources.htm
 - Homelessness Resource Center, *Homeless Populations: LGBTQI2-S Youth*, <http://homeless.samhsa.gov/Channel/LGBTQ-153.aspx>
 - Stopbullying.gov, *Bullying and LGBT Youth*, <http://www.stopbullying.gov/at-risk/groups/lgbt>

- U.S. Department of Housing and Urban Development
 - *Community-Wide Prevention of LGBTQ Youth Homelessness* (June 2015), <https://www.hudexchange.info/resources/documents/LGBTQ-Youth-Homelessness-Prevention-Initiative-Overview.pdf>

- U.S. Department of Labor
 - Office of Job Corps, *Directive: Job Corps Program Instruction Notice No. 14-31* (May 1, 2015), [https://supportservices.jobcorps.gov/Program Instruction Notices/pi 14 31.pdf](https://supportservices.jobcorps.gov/Program%20Instruction%20Notices/pi_14_31.pdf)

Declaration of Luke C. Platzer

EXHIBIT AN



(<http://www.health.state.mn.us/index.html>)

Document Requirements to Amend a Birth Record

Reference: Minnesota Rules, parts [4601.1000](https://www.revisor.mn.gov/rules/?id=4601.1000) (<https://www.revisor.mn.gov/rules/?id=4601.1000>) and [4601.1100](https://www.revisor.mn.gov/rules/?id=4601.1100) (<https://www.revisor.mn.gov/rules/?id=4601.1100>).

To add missing information to a birth record you need to submit at least one document. To change information on a birth record you must submit at least two documents.

Document Requirements

Each document must show the information exactly as you want it to appear on the birth record.

Each document must also show other information that matches the birth record already. Most documents need to show at least **two** of the following:

- subject's last name
- subject's date of birth
- subject's place of birth
- a parent's name
- a parent's date of birth
- a parent's place of birth

Each document must show an established date that meets the following age requirements:

- If the subject of the record is under the age of 7, the documents must have been established (created) either more than one year ago or within the subject's first year of life.
- If the subject of the record is 7 or older, the documents must have been established (created) either more than seven years ago or within the subject's first three years of life.

Each document must be an original, a certified copy issued by a government office, or a copy authenticated by the person issuing the document to you. All original documents will be returned to you when we're finished with our process.

- Clinic and hospital records must be authenticated by the person giving you the records. They must give you a signed and dated letter on the clinic or hospital letterhead that verifies the document is a true and accurate copy of their records.
- School records must be authenticated like clinic and hospital records or be official school transcripts.
- Certified documents must be issued by government offices and include birth/death certificates, marriage certificates, military discharge forms, and court orders.

Each document must be legible. Each document must be in English or submitted with a notarized English translation by a qualified or certified translator.

Each document must show no sign of erasure, alteration, or change of pertinent information.

Acceptable Document Types

These documents will be considered if each document meets all requirements:

- authenticated school record or official school transcript

- authenticated hospital or clinic record
- valid passport
- original or a certified copy of a US military discharge (such as a DD214 form)
- certified copy of a marriage certificate
- certified copy of a birth certificate of a child
- certified copy of a birth certificate of a parent or sibling (these can only be used to amend parent information)
- baptism certificate or other church record with a phone number to the church so the record may be verified
- original or certified copy of a naturalization certificate
- official tribal enrollment record
- certified copy of a court order

These documents are NOT acceptable to amend a birth record:

- hospital souvenir birth certificate
- driver's license
- state, employee, or other ID card or permit
- social security card or statement
- application of any kind
- insurance card or policy
- paycheck stub
- tax return
- bill
- newspaper article

Court Orders

Sometimes a court order that directs the birth record to be amended is required. A court order is required if information to be amended has been established by another court order, such as an adoption decree or paternity order. A court order is also required if a child's last name has already been changed with a Recognition of Parentage form.

If a court order specifically directs the birth record to be amended it could be the only document required. The court order must:

- uniquely identify the birth record to be amended (contain the subject's name as it currently appears on the birth record and the subject's date of birth)
- clearly identify which items are to be amended on the birth record
- specifically direct the birth record to be amended in the "Is Ordered" section of the court order.

For information on getting a court order please see the [Minnesota Judicial Branch website \(http://www.mncourts.gov/\)](http://www.mncourts.gov/).

A court order that does not direct the birth record to be amended must meet all regular [document requirements \(http://www.health.state.mn.us/regdocs.html\)](http://www.health.state.mn.us/regdocs.html).

Requirements to amend gender

To change the sex of the subject on a birth record, the subject must submit medical certification of appropriate clinical treatment for gender transition in the form of an original letter from a licensed physician.

The letter must contain the subject's name and date of birth that are on the current birth record to positively identify the record.

The subject may also submit a court order that specifically directs the birth record to be amended.

If you still have questions about amending a birth record after reading this information, email us at health.amend@state.mn.us or call 651-201-5990.

651-201-5000 Phone
888-345-0823 Toll-free

Information on this website is available in alternative formats to individuals with disabilities upon request.

Declaration of Luke C. Platzer

EXHIBIT AO



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

September 28, 2015

Dear Applicant:

Individuals who wish to change their gender designation and are seeking to change the gender designation on their birth certificate must make a request in writing to the New York State Department of Health, Bureau of Vital Records (the Department). Each case will be reviewed individually and determined based on the following documents:

(a) A completed Application for Correction of Certificate of Birth (DOH-297) signed by the applicant. This application indicates:

(i) the applicant's name, date of birth, parents' names on existing birth certificate, and place of birth, and

(ii) the change being requested, including the corrected gender designation and, if applicable, name change.

(b) A certified copy of the applicant's current birth certificate or a notarized affidavit from the applicant confirming that they are 18 years of age or older. In each case they need to submit a Notarized Affidavit of Gender Error, substantially similar to the one enclosed, attesting that the applicant has been living in their correct gender immediately preceding the application.

and either (c) or (d)

(c) A notarized affidavit from a physician (MD or DO) or nurse practitioner or physician assistant, confirming that surgical procedures have been performed on the applicant to complete sex reassignment.

(d) A notarized affidavit on professional letterhead from a physician (MD or DO) or nurse practitioner or physician assistant, licensed in the United States that have treated, or reviewed and evaluated, the gender-related medical history of the applicant. The notarized affidavit must include a statement noting that the provider is making his/her findings upon independent and unbiased review and evaluation and is not related to the applicant. The letter must include:

(i) the physician (MD or DO) or nurse practitioner or physician assistant's license number;

- (ii) language stating that the applicant has undergone appropriate clinical treatment for a person diagnosed with Gender Dysphoria as defined in the most current edition of the *Diagnostic and Statistical Manual of Mental Disorders* or language stating that the applicant has undergone appropriate clinical treatment for a person diagnosed with Transsexualism as defined in the most current edition of *International Statistical Classification of Diseases and Related Health Problems*; or as these diagnoses may be referred to in future editions.

If an applicant is incarcerated pursuant to a state sentence of imprisonment, the application for correction of certificate of birth must first be submitted through the appropriate state judicial or legal process, then through the New York State Department of Health, Bureau of Vital Records. If an incarcerated applicant's criminal history includes one or more felony convictions enumerated in Article 6 of the Civil Rights Law or its equivalent, if committed in another jurisdiction, the application shall for each such conviction specify such felony conviction, the date of such conviction or convictions, and the court in which such conviction or convictions were entered. At the same time that the application is submitted for consideration, the applicant shall serve, in like manner as a notice of a motion upon an attorney in an action, a copy of the application upon the district attorney of every county (or comparable jurisdiction) in which such person has been convicted of such felony and upon the court or courts in which the sentence for such felony was entered.

If the applicant is under community supervision, the applicant shall submit a letter from their department of correction and community supervision (or comparable entities), on official letterhead TO THE NEW YORK STATE DEPARTMENT OF HEALTH, BUREAU OF VITAL RECORDS, with knowledge of the applicant's history certifying that there are no public safety concerns with the application.

If the applicant is simultaneously requesting that their name be changed on their birth certificate, their written request to the Department must also include an original or certified copy of their legal name change order from a court of competent jurisdiction and a proof of publication of the assumed name, if required by law. The order must bear the court seal and be certified by the clerk of the court. Please be sure the order includes the following information needed to identify the individual named on the birth certificate: original name, date and place of birth.

As soon as all documentation is submitted, your request will be referred to Department of Health's legal and medical staff for review. Processing takes approximately three months.

If the aforementioned required documents are provided, the Department shall approve the applicant's request for a change in the gender designation. In reviewing the applicant's request, the Department shall not require proof of any particular treatment or request any documents other than those listed in sections (1)(a)-(d).

Upon the approval of a request to change the gender designation and, if applicable, the applicant's name, the Department will issue a new birth certificate reflecting the requested change(s). The new certificate will not indicate that there was a change in the original sex item designation or name, as the case may be.

When a birth certificate is amended to reflect a change in the gender designation, and, if applicable, name, the original birth certificate and all other documents relating to the change in the gender designation, will be retained in a sealed file. When a new certificate of birth is made, the Commissioner will substitute such new certificate for the certificate of birth then on file, if any, and will send the registrar of the district in which the birth occurred a copy of the new certificate of birth. The registrar will make a copy of the new certificate for the local record and hold the contents of the original local record confidential. The original state record and the local record will not be released or otherwise divulged except by order of a court of competent jurisdiction.

One certified copy will be provided following the amendment. Additional copies are \$30.00 each.

If you have any questions, please contact my office directly at (518) 474-5245.

Sincerely,

Guy Warner
Director
Bureau of Vital Records

Please mail all forms to:
New York State Department of Health
Director of Vital Records
Attention: Guy Warner
Personal and Confidential
800 North Pearl Street 2nd Floor
Albany, NY 12204

Enclosure

Declaration of Luke C. Platzer

EXHIBIT AP



Gender Change on a Birth Certificate

People who want to change their gender on their birth certificate must send:

• A letter that includes:

- Name on record (first, middle, last)
- Date of birth (month, day, year)
- Place of birth (city or county)
- Mother/Parent full name listed on certificate (first, middle, last)
- Father/Parent full name listed on certificate (first, middle, last)
- Contact information (return mailing address and phone number)
- The change being requested and new information such as name and gender

• And one of the following:

- A letter, on applicable letterhead, from your medical (MD) or osteopathic physician (DO) stating that you have had the appropriate clinical treatment and your new gender. We will not return the documentation.

Or

- A CERTIFIED copy of a court order that states your name, date of birth, gender currently listed on birth record and new gender. Certified copies of court orders have an original signature or raised seal from the court clerk. Photo copies will not be accepted. The court order will be returned to you.

If you want to change your name at the same time as your gender:

- Send a CERTIFIED copy of the court-order name change. The court order will be returned to you.

If you would like a certified copy of the birth certificate reflecting the change, send:

- A certified copy of the birth certificate for replacement. We will exchange birth certificates up to one year from the date issued at no charge. The date issued is in the top right-hand corner of the birth certificate.

Or

- A [Mail-in Request Form \(PDF\)](#) for a birth certificate. A personal check or money order of \$20 for each birth certificate(s) you are purchasing.

Send to:

Vital Records Amendments
Washington State Department of Health
Center for Health Statistics
PO Box 9709
Olympia, WA 98507-9709

Questions?

If you have any questions call (360) 236-4300 select option 3, and then option 3.

Declaration of Luke C. Platzer

EXHIBIT AQ

Governor McCrory Takes Action to Protect Privacy and Equality

Raleigh, N.C.

Apr 12, 2016

Governor Pat McCrory has signed an Executive Order to protect the privacy and equality of all North Carolinians. Executive Order 93 clarifies existing state law and provides new protections for North Carolina residents.

Executive Order 93 does the following:

- **Maintains common sense gender-specific restroom and locker room facilities in government buildings and schools**
- **Affirms the private sector's right to establish its own restroom and locker room policies**
- **Affirms the private sector and local governments' right to establish non-discrimination employment policies for its own employees**
- **Expands the state's employment policy for state employees to cover sexual orientation and gender identity**
- **Seeks legislation to reinstate the right to sue in state court for discrimination**

With this Executive Order, the State of North Carolina is now one of 24 states that have protections for sexual orientation and gender identity for its employees.

“After listening to people’s feedback for the past several weeks on this issue, I have come to the conclusion that there is a great deal of misinformation, misinterpretation, confusion, a lot of passion and frankly, selective outrage and hypocrisy, especially against the great

state of North Carolina,” said Governor McCrory. **“Based upon this feedback, I am taking action to affirm and improve the state’s commitment to privacy and equality.”**

Governor McCrory has posted a video statement on the Executive Order. It is available [here](#) or by clicking the image below.

Governor McCrory Takes Action to Protect Privacy and Equality



Click [here \(https://governor.nc.gov/document/executive-order-no-93-protect-privacy-and-equality\)](https://governor.nc.gov/document/executive-order-no-93-protect-privacy-and-equality) to view the Executive Order.

Transcript:

Hi, I’m North Carolina Governor Pat McCrory.

North Carolina proudly welcomes all people to live, work and visit our great state.

We didn’t become the ninth most populous state in the nation by accident. We have long held traditions of both ensuring equality for all of our citizens and our visitors, while also respecting the privacy of everyone.

We are also a state that strives to allow our people and businesses to be as independent as possible without overreaching government regulations.

These North Carolina values of privacy and equality came into conflict recently when the Charlotte City Council passed a new mandate that forced on businesses a city-wide ordinance of bathroom and locker room regulations, something frankly we had never seen or had before in that great city or in North Carolina.

Simply put, this government overreach was a solution in search of a problem.

In fact, the Charlotte City Council rejected this proposal less than a year ago.

In a letter prior to the most recent vote, I notified the Charlotte City Council that this unnecessary and intrusive mandate conflicts with basic expectations of privacy in the most private of settings.

Therefore, as I expected, the state took action on what was seen as government overreach.

You know, after listening to people's feedback for the past several weeks on this issue, I have come to the conclusion that there is a great deal of misinformation, misinterpretation, confusion, a lot of passion and frankly, selective outrage and hypocrisy, especially against the great state of North Carolina.

But based upon this feedback, I am taking action to affirm and improve the state's commitment to privacy and equality.

To that end, today I have signed an executive order with the goal of achieving that fine balance.

This executive order accomplishes the following:

First, it maintains common sense gender-specific restroom and locker room facilities in government buildings and in our schools, and when possible, encourages reasonable accommodations for families and those who have unique or special circumstances.

Second, the private sector can make its own policy with regard to restrooms, locker rooms and/or shower facilities. This is not a government decision. This is your decision in the private sector.

Third, I have affirmed the private sector and local government's right to establish its own non-discrimination employment policies.

And fourth, as governor, I have expanded our state equal employment opportunity policy to clarify that sexual orientation and gender identity are included.

And fifth, I will immediately seek legislation in the upcoming short session to reinstate the right to sue for discrimination in North Carolina state courts.

Simply put, I have listened to the people of North Carolina, and the people of North Carolina are entitled to both privacy and equality. We can and we must achieve both of these goals.

Now I know these actions will not totally satisfy everyone, but the vast majority of our citizens want common sense solutions to complex issues.

This is the North Carolina way.

Thank you very much, and may God continue to bless the great state of North Carolina.

This resource is related to:

Governor's Office



Get Email Alerts

Stay up to date with us. Get county-by-county email alerts on the latest news and upcoming events.

Email Address:

someone@example.com

Subscribe

Declaration of Luke C. Platzer

EXHIBIT AR

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE**

MINUTE ORDER

DATE: 03/13/2014

TIME: 02:00:00 PM

DEPT: 53

JUDICIAL OFFICER PRESIDING: David Brown

CLERK: E. Brown

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **34-2013-00151153-CU-CR-GDS** CASE INIT.DATE: 09/09/2013

CASE TITLE: **Department of Fair Employment and Housing vs. American Pacific Corporation**

CASE CATEGORY: Civil - Unlimited

EVENT TYPE: Hearing on Demurrer - Civil Law and Motion - Demurrer/JOP

APPEARANCES

Nature of Proceeding: Ruling on Submitted Matter (Hearing on Demurrer) taken under submission on 3/11/2014

TENTATIVE RULING

Defendant American Pacific Corp.'s ("AMPAC") Demurrer to Plaintiff Dept. of Fair Employment and Housing's ("DFEH") Complaint is OVERRULED.

Plaintiff DFEH's complaint alleges three causes of action against defendant AMPAC: the 1st for Discrimination based on Sex, Gender, Gender Identity, and Gender Expression (Gov. Code § 12940(a)), the 2nd for failure to prevent Discrimination based on Sex, Gender, Gender Identity, and Gender Expression (Gov. Code § 12940 (k)) and the 3rd for Failure to Take All Reasonable Steps to Prevent Discrimination based on Sex, Gender, Gender Identity, and Gender Expression (Gov. Code, § 12940(k)).

It is alleged that Plaintiff DFEH is the state agency charged with enforcing the Fair Employment and Housing Act ("FEHA") (Gov. Code, § 12900 et seq.) and is authorized by Government Code section 12965 to file civil complaints in its own name and on behalf of real parties in interest aggrieved by discriminatory employment practices. DFEH's enforcement of the FEHA implements the public policy of the State of California, to protect the civil rights of all Californians to seek, obtain, and hold employment without discrimination because of sex, gender, gender identity or gender expression. (Gov. Code, § 12920). (Compl., para. 2)

Real Party in Interest Lozano is a transgender female to male. Lozano presented as male to AMPAC and received an employment offer as an Operations Technician from AMPAC. After accepting the position, he was required to complete background check forms and he disclosed to AMPAC's Human Resources department that he was in transition to male from his assigned gender birth identity (female). He did not have any legal or medical documentation to reflect his gender change.

AMPAC expressed concern about Lozano's use of the men's locker room and restroom, since he had not had sex reassignment surgery. AMPAC asked Lozano about delaying his employment start date until after he had completed sex reassignment surgery.

DATE: 03/13/2014

MINUTE ORDER

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DEPT: 53

Calendar No.

Lozano explained that as a trained firefighter, he had successfully worked in similar situations in the past, and had never been questioned about his use of the men's restroom or shower.

As alleged, AMPAC required that Lozano use the female locker room and restroom facilities until his gender transition to male was "complete" after sex reassignment surgery.

Demurrer to the 1st for Discrimination based on Sex, Gender, Gender Identity, and Gender Expression (Gov. Code § 12940(a)) is OVERRULED.

FEHA makes it an unlawful employment practice for an employer, because of the sex, gender, gender identity or gender expression, to discriminate against any person in terms, conditions, or privileges of employment. Govt. Code § 12940(a).

In construing statutes, the court's "fundamental task is 'to ascertain the intent of the lawmakers so as to effectuate the purpose of the statute.' We begin by examining the statutory language because it generally is the most reliable indicator of legislative intent. We give the language its usual and ordinary meaning, and '[i]f there is no ambiguity, then we presume the lawmakers meant what they said, and the plain meaning of the language governs. If, however, the statutory language is ambiguous, 'we may resort to extrinsic sources, including the ostensible objects to be achieved and the legislative history.' Ultimately we choose the construction that comports most closely with the apparent intent of the lawmakers, with a view to promoting rather than defeating the general purpose of the statute." (*Mays v. City of Los Angeles* (2008) 43 Cal. 4th 313, 321.) Moreover, courts do not sit as super-legislatures to determine the wisdom, desirability or propriety of statutes enacted by the Legislature. (*Estate of Horman* (1971) 5 Cal.3d 62, 77).

Moving party Defendant AMPAC asserts that the demurrer to the discrimination claim should be sustained because the FEHA does not prohibit restroom and locker room use based on biological gender. The parties agree that there is no published California case law addressing these facts, thus this is a case of first impression in California.

Moving party cites to out of state statutes and case law in support of its position. Defendant cites to the Minnesota's Human Rights Act ("MHRA") prohibits discrimination with "respect to conditions, facilities, or privileges employment" on the basis of "sexual orientation." (Minn. Stat. § 363A.08, subd. 2(3) and *Goins v. West Group* (Minn. 2001) 635 N.W.2d 717, in which the Minnesota Supreme Court concluded that an employer did not violate the MHRA's protection of gender "self- image or identity" by designating employee restroom use based on biological gender. Additionally, defendant cites to New York State law in *Hispanic AIDS Forum v. Estate of Bruno* (N.Y. App. Div. 2005) 16 A.D.3d 294, where a non-profit tenant claimed its landlord violated the New York State Human Rights Act and the New York City Human Rights Act because the landlord refused to execute a lease renewal because the tenant's transgender clients were using the common area restrooms that did not coincide with their biological gender.

In opposition, plaintiff DFEH asserts that this Court need not look to out-of-state law, as the language of Govt. Code § 12940(a) is clear and unambiguous on its face. Of course, in interpreting statutes, the court begins with the plain, commonsense meaning of the language used by the Legislature; if the language is unambiguous, the plain meaning controls. *Surfrider Foundation v. California Regional Water Quality Control Board, San Diego Region*, (2012) 211 Cal. App. 4th 557; *Polster v. Sacramento County Office of Education*, (2009) 180 Cal. App. 4th 649, 663.

The relevant language reads: "It is an *unlawful employment practice*, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California: (a) *For an employer, because of the . . . sex, gender, gender*

identity, gender expression, age, sexual orientation . . . of any person, to refuse to hire or employ the person or . . . to discriminate against the person in compensation or in terms, conditions, or privileges of employment." Govt. Code § 12940.

The Legislature amended the FEHA in 2003 and 2011 to clarify and expand the definition of gender. It specifically added "gender identity" and "gender expression" as protected classes in 2011. (Assembly Bill 887 (2011-2012 Reg. Sess.); Defs. Request for Judicial Notice, Exh. 9.) The author of AB 887 noted "[n]early 70% of transgender Californians have experienced discrimination or harassment at work." (Assem. Com. on Judiciary, Rep. on Assem. Bill. No. 887 (2011-2012 Reg. Sess.) Mar. 29, 2011, p.3, DFEH RJN at Exh. B.) A legislator's statement is entitled to consideration when it is a reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion. (*California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal. 3d 692, 699-701; *In re Marriage of Bouquet* (1976) 16 Cal. 3d 583, 589-590.) Nonetheless, at the end of the day, the ultimate interpretation of a statute is an exercise of the judicial power conferred upon the courts by the Constitution and, in the absence of a constitutional provision, cannot be exercised by any other body. *Yamaha Corp. of Am. v. State Bd Of Equalization* (1998) 19 Cal. 4th 1, 7. AB 887 was introduced to "reduce confusion among those who bear the responsibility of ensuring that current anti-discrimination laws are enforced." (*Id.* at 2.) AB 887 clarified the definition of gender in numerous anti-discrimination laws, including the FEHA and Education Code sections 200 and 220, to expressly include the terms "gender identity" and "gender expression" where only the term "gender" previously appeared. (*Ibid.*)

Gender identity "refers to a person's deeply felt internal sense of being male or female." (*Id.* at 3.) Gender expression "refers to one's behavior, mannerisms, appearance, and other characteristics that are perceived to be masculine or feminine." (*Ibid.*)

Because many schools did not understand their obligations to transgender students, the Education Code, sec. 221(f) was amended to require that "a pupil be permitted to participate in sex-segregated school programs, activities, and facilities including athletic teams and competitions, consistent with his/her gender identity, regardless of the gender listed on the pupil's records."

Defendant contends that the Legislature's amendment of the Education Code, through AB 1266, to allow transgender students to use facilities corresponding to their gender identity must be understood to exclude this requirement from FEHA, which was not amended in the same manner. When a statute contains a particular provision, the omission of that provision from similar statutes on the same or a related subject reveals a different intent. *City of Dublin v. County of Alameda* (1993) 14 Cal. App. 4th 264, 280.

As plaintiff and amici explain, the AB 1266 amendment to the Education Code restates and clarifies existing nondiscrimination law, to provide guidance to school districts to ensure their compliance with existing law; *it did not change the existing anti-discrimination laws.*

Where more than one statutory construction is arguably possible, California's policy has long been to favor the construction that leads to the more reasonable result, considering the consequences that will flow from a particular interpretation and avoiding a construction that would lead to unreasonable, impractical or arbitrary results. *Bernard v. City of Oakland* (2012) 202 Cal. App. 4th 1553, 1567.

Here, defendant contends that the more reasonable interpretation of FEHA is, absent a regulation or legislation specifically stating otherwise, that restrooms and locker rooms can be separated by biological gender.

The DFEH asserts that the California non-discrimination statutes must be construed together to achieve

a uniform legislative purpose. If discrimination based on gender identity and gender expression is interpreted differently in the FEHA than in the Education Code, a female to male transgender high school student could be faced with a situation where he uses the male restroom/locker room at school, but must use the female restroom/locker room at his after-school job. Such inconsistent results are not compatible with the Legislature's intent.

Plaintiff DFEH further asserts that this Court must accord great respect to its interpretation of the statute, as it is the administrative agency charged with enforcing the FEHA statutes. "While the ultimate interpretation of a statute is an exercise of the judicial power, when an administrative agency is charged with enforcing a particular statute, its interpretation of the statute will be accorded great respect by the courts and will be followed if not clearly erroneous." *Giles v. Horn* (2002) 100 Cal. App. 4th 206, 220.

Plaintiff DFEH asserts that although the Court need look no further than California law, other jurisdictions in other states have found that denying transgender people the right to use gender identity appropriate facilities violates nondiscrimination laws (citing Iowa, Washington, Colorado, District of Columbia, New York City and Federal agency authorities.)

The *Goins* case from Minnesota relied upon by moving party is distinguishable, as there the employer did not require the employee to use the restroom of her assigned birth sex, but to use a single occupancy restroom.

Defendant's hypothetical assertions of emotional discomfort about sharing facilities with transgender individuals are no different than similar claims of discomfort in the presence of a minority group, which formed the basis for decades of racial segregation in housing, education, and access to public facilities like restrooms, locker rooms, swimming pools, eating facilities and drinking fountains. (See, e.g., *Wyatt v. Adair* (Ala. 1926) 110 So. 801, 803-04.)

Defendant speculates that under the DFEH's interpretation of the FEHA, "a male employee need only claim a female gender identity and the employer must permit him to shower, disrobe, and perform bodily functions with female coworkers." These claims are not currently before the Court. Individuals who claim a different gender from day to day, or who do so simply to be disruptive or to sexually harass other employees, do not meet the definition of transgender.

The Court is satisfied that the plaintiff has pled sufficient facts to state a cause of action for employment discrimination.

Demurrer to the 2nd and the 3rd for failure to prevent discrimination based on sex, gender, gender identity, and gender expression (Gov. Code, § 12940(k)) are OVERRULED.

As the demurrer to these causes of action depends upon the sustaining of the demurrer to the 1st cause of action, the Court must overrule the demurrers on the same basis.

Defendant shall file and serve its Answer to the Complaint not later than Friday, March 21, 2014.

The minute order is effective immediately. No formal order pursuant to CRC Rule 3.1312 or further notice is required.

COURT RULING

The matter was argued and submitted. The matter was taken under submission

Having taken the matter under submission on 3/11/2014, the Court now rules as follows:

SUBMITTED MATTER RULING

The Court affirms the Tentative Ruling with the following additional comment:

Defendant AMPAC has submitted to the Court a request pursuant to Code of Civil Procedure 166.1. The request is denied. AMPAC is not, of course, precluded from seeking interlocutory appellate review if it desires to do so.

Declaration of Mailing

I hereby certify that I am not a party to the within action and that I deposited a copy of the 3/12/14 minute order in a sealed envelope with first class postage prepaid, addressed to each party or the attorney of record in the U.S. Mail at 720 Ninth Street, Sacramento, California.

Dated: March 13, 2014

E. Brown, Deputy Clerk _____ s/ E. Brown _____

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