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Transgender Bathroom Hysteria, Cont'd.

By THE EDITORIAL BOARD APRIL 18, 2016

After the withering backlash against North Carolina for passing a discriminatory law against gay and transgender people last month, it would stand to reason that lawmakers and governors in other states would think twice before peddling bills that dictate which restrooms transgender people can use.

And yet, state legislators in Tennessee, Kansas, South Carolina and Minnesota are pushing similar absurd measures. The lunacy at the heart of this demand to police every public bathroom was captured by Leon Lott, the sheriff of Richland County in South Carolina, who told state lawmakers last week that the law would be unenforceable because his officers could not be in the business of inspecting people's genitals.

“In the 41 years I have been in law enforcement in South Carolina, I have never heard of a transgender person attacking or otherwise bothering someone in a restroom,” Sheriff Lott wrote in a letter to the committee studying the state’s bathroom bill. “This is a non-issue.”

Laws to address non-issues can have serious repercussions. The hastily passed bill in North Carolina, which said people must use public restrooms based on the gender on their birth certificate and prohibited local governments from passing nondiscrimination ordinances, has been roundly condemned by corporate leaders, civil rights groups and religious leaders.

The law cost the state hundreds of jobs after PayPal scrapped plans to open a global hub in Charlotte and Deutsche Bank suspended plans to expand its operations in the state. Executives from 80 major companies, including Google,

Apple and Facebook, wrote a letter to the governor of North Carolina, Pat McCrory, urging repeal of the law, arguing that it would make it “far more challenging for businesses across the state to recruit and retain the nation’s best and brightest workers.”

Mr. McCrory, who is running for re-election, made a clumsy attempt at backtracking on Tuesday when he issued an executive order that supposedly added antidiscrimination protection for state workers but left the law fundamentally unchanged. The only way for North Carolina to avoid even graver financial consequences is for Mr. McCrory and state lawmakers to repeal the law.

Federal agencies are considering steps they might be required to take because of the discriminatory law. For example, the Department of Education, which gives North Carolina more than \$4 billion annually, may withhold some funding because the law violates Title IX, a civil rights law. The federal government has taken the position in individual cases that barring students from using restrooms based on their gender identity is a violation of their right to equal treatment. The Department of Education has drafted guidance for schools that would give administrators a clear national standard. That document should be released publicly now.

Other agencies, including the Department of Transportation, the Department of Labor and the Department of Housing and Urban Development, are studying the issue to see if the North Carolina law could preclude them from issuing grants and contracts to local jurisdictions in states with discriminatory laws.

Despite what supporters of these laws might claim, the measures do nothing to make restrooms safer. They will only further stigmatize and endanger people who already face systemic discrimination. If lawmakers who might want to follow North Carolina’s abhorrent example aren’t moved by appeals to equality and human rights, they should ponder this reality: The price of bigotry is becoming quite steep.

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