

North Carolina Counterattacks, Files Lawsuit Against the Feds

The federal government gave North Carolina Gov. Pat McCrory until Monday morning to respond to its demand that he stop enforcement of the state's bathroom privacy law, otherwise known as HB 2.

As the deadline approached, McCrory gave his response: he filed a declaratory judgment action asking the federal courts to clarify federal law. He said he did this because President Obama had bypassed Congress by using regulatory authority to effectively "rewrite" federal law.

"The Obama administration is bypassing Congress by attempting to rewrite the law and set restroom policies for public and private employers across the country, not just North Carolina," he said in an official statement after attorneys for the state filed the motion. "This is now a national issue that applies to every state and it needs to be resolved at the federal level.

"They are now telling every government agency and every company that employs more than 15 people that men should be allowed to use a women's locker room, restroom or shower facility."

McCrory has directed state agencies to "make a reasonable accommodation" of a single-occupancy restroom. The state also allows private companies to set their own policies for bathrooms, locker rooms, and shower facilities.

But on May 4, the U.S. Department of Justice sent the governor a letter—as well as to Secretary of Public Safety Frank Perry and UNC System President Margaret Spellings—that alleged

violations of federal law. McCrory requested additional time to respond Friday, but federal officials refused to grant that request unless the state agreed to what McCrory called “unrealistic terms.”

“I’m taking this initiative to ensure that North Carolina continues to receive federal funding until the courts resolve this issue,” he said.