

TRANSADVOCATE

Fight back: Report Mississippi & North Carolina HATE here!

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Abstract

By Autumn Sandeen & Cristan Williams Anti-trans activists in both Mississippi and North Carolina have passed laws that effectively remove trans people from public life. Making it legal on a state level to discriminate against trans people in employment, housing, goods, and services while making it illegal for trans people to use public hygiene facilities that correspond [...]

Article



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Anti-trans activists in both Mississippi and North Carolina have passed laws that effectively remove trans people from public life. Making it legal on a state level to discriminate against trans people in employment, housing, goods, and services while making it illegal for trans people to use public hygiene facilities that correspond with their transitioned status ensures that trans people cannot function within society. We at the TransAdvocate believe that the evidence shows that erasing trans people from public life is the intent of these bills.

This article will help you to:

Tab 1: Review why anti-trans legislation is demonstrably linked to hate and, specifically, one hate group.

Tab 2: Get help filing against North Carolina and Mississippi employers who discriminate against you.

It's clear that these laws are designed to both justify and rationalize the hate some cisgender heterosexual people have against non-heteronormative American citizens. Even the Federal government has issued a statement acknowledging this reality. In a April 18th letter, The U.S. Commission on Civil Rights wrote:

[Figure] commish

The United States Commission on Civil Rights strongly condemns recent state laws passed, and proposals being considered, under the guise of so-called "religious liberty" which target members of the lesbian, gay, bisexual, and transgender ("LGBT") community for discrimination.

North Carolina Governor Pat McCrory recently signed into law H.B. 2, legislation blocking local governments from passing anti-discrimination rules that grant protections to gay and transgender persons. The law also repeals existing municipal anti-discrimination laws which protected LGBT people from bias in housing and employment. Critically, the new legislation also forces transgender people to utilize public bathrooms and changing facilities based on the sex issued on their birth certificates, and not according to their gender identities. This jeopardizes not only the dignity, but also the actual physical safety, of transgender people whose appearances may not match societal expectations of the sex specified on their identification documents.

In Mississippi, Governor Phil Bryant recently signed HB 1523 into law. The new statute is far-reaching and allows people with "religious objections" to deny wedding services to same-sex couples. It also clears the way for employers to cite religion in determining workplace policies on dress code, grooming and bathroom access. The physical safety concerns for transgender people are the same as in North Carolina.

The laws enacted in North Carolina and Mississippi are not isolated, but are part of a larger, alarming trend to limit the civil rights of a class of people using religious beliefs as the excuse.

The Commission's Chairman, Martin R. Castro went on to state, "Religious freedom is an important foundation of our nation. However, in the past, 'religious liberty' has been used to block racial integration and anti-discrimination laws. Those past efforts failed and this new attempt to revive an old evasive tactic should be rejected as well. The North Carolina and Mississippi laws, and similar legislation proposed in other states, perverts the meaning of religious liberty and perpetuates homophobia, transphobia, marginalizes the transgender and gay community and has no place in our society."

On the very next day, April 19th, the Fourth Circuit Court of Appeals ruled that a Virginia school policy of segregating same-gendered trans and cis students, in this case, trans and cis boys, violates Title IX rights under the Education Amendments Act of 1972. In laying out the facts of the case, the Court noted that all was well for the teen trans boy until anti-LGBT groups like the Liberty Council began concern trolling, casting the presence of a trans youth as a danger to cis youth:

Before beginning his sophomore year, [the trans boy] and his mother told school officials that [the trans boy] was a boy. The officials were supportive and took steps to ensure that he would be treated as a boy by teachers and staff. Later, at [the trans boy's] request, school officials allowed [the trans boy] to use the boys' restroom. [The trans boy] used this restroom without incident for about seven weeks.

[The trans boy] use of the boys' restroom, however, excited the interest of others in the community, some of whom contacted the Gloucester County School Board (the Board) seeking to bar [the trans boy] from continuing to use the boys' restroom. Board Member Carla B. Hook (Hook) added an item to the agenda for the November 11, 2014 board meeting titled "Discussion of Use of Restrooms/Locker Room Facilities." Hook proposed the following resolution:

"It shall be the practice of the GCPS to provide male and female restroom and locker room facilities in its schools, and the use of said facilities shall be limited to the corresponding biological genders, and students with gender identity issues shall be provided an alternative appropriate private facility."

At the November 11, 2014 meeting twenty-seven people spoke during the Citizens' Comment Period, a majority of whom supported Hook's proposed resolution. Many of the speakers displayed hostility to [the trans boy], including by referring pointedly to him as a "young lady." Others claimed that permitting [the trans boy] to use the boys' restroom would violate the privacy of other students and would lead to sexual assault in restrooms.

One commenter suggested that if the proposed policy were not adopted, non-transgender boys would come to school wearing dresses in order to gain access to the girls' restrooms. [The trans boy] and his parents spoke against the proposed policy. Ultimately, the Board postponed a vote on the policy until its next meeting on December 9, 2014.

At the December 9 meeting, approximately thirty-seven people spoke during the Citizens' Comment Period. Again, most of those who spoke were in favor of the proposed resolution. Some speakers threatened to vote the Board members out of office if the Board members voted against the proposed policy.

Speakers again referred to [the trans boy] as a "girl" or "young lady." One speaker called G.G. a "freak" and compared him to a person who thinks he is a "dog" and wants to urinate on fire hydrants. Following this second comment period, the Board voted 6-1 to adopt the proposed policy, thereby barring [the trans boy] from using the boys' restroom at school.

The court then considered the separate-but-equal bathroom segregation plan heteronormative activists often assert as being their generous compromise: forcing transgender people to use unisex restrooms away from cisgender people.

Being required to use the separate restrooms sets him apart from his peers, and serves as a daily reminder that the school views him as 'different.'" [The trans boy] further alleges that, because of this stigma and exclusion, his social transition is undermined and he experiences "severe and persistent emotional and social harms." [The trans boy] avoids using the restroom while at school and has, as a result of this avoidance, developed multiple urinary tract infections.

The Virginia policy produced the effect heteronormative activists sought: the social ostracization of non-heteronormative people. The trans boy was forced to withdraw from his school and was forced to fight a very public and brutal fight in order to return as a social equal to his cisgender peers.

On the same day that the Fourth Circuit ruled in favor of trans equality, Samantha Bee released a scathing yet comical video exposing the hypocrisy, hate, and misogyny that drove Tennessee's attempt to pass a North Carolina-style "bathroom bill":

Bee noted that the legislator behind Tennessee's attempt to pass a North Carolina-styled anti-trans bill was exposed as a sexual predator. Ironically, this is not the first time it turned out that those promoting anti-trans policy -- citing their concern for the safety of women -- were later found to be sexual predators themselves.

[Figure] Kendall Baker and Dave Welch, leaders in the effort to repeal Houston's trans-inclusive non-discrimination ordinance. They claimed that trans quality would lead to the sexual assault of (cis) women

In Houston, leaked documents show that a minister-leader in the campaign to overturn Houston's trans-inclusive non-discrimination policy, Kendall Baker, was in-fact fired from his job for sexually harassing women. Barker made a point of claiming that equality would mean that trans people would sexually harass women and children in the restroom. When speaking against equality, Baker asked, "I say to you, what if I came into the bathroom while you were sitting on the toilet? Wouldn't you feel uncomfortable?"

As it turns out, the organizer of the anti-equality movement in Houston, Dave Welch raised funds to help Baker escape the consequences of harassing women.

Regarding the talking point that "bathroom bills" are needed to keep women and girls safe from sexual predators in drag, more than 250 anti-rape groups published an open letter asserting, "Those who are pushing [anti-trans "bathroom bills"] 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."

Moreover, it was recently revealed that the same group that targeted the Virginia trans boy forcing him to battle a vicious and public Title IX fight -- the Southern Poverty Law Center designated hate group the Liberty Council -- was the source of the recent wave of "bathroom bills." As if to punctuate the animus behind the 2016 wave of so-called "bathroom bills," Tracy Murphree, a Texas Republican Denton county sheriff candidate proudly announced his intent to beat trans people saying, "All I can say is this: If my little girl is in a public women's restroom and a man, regardless of how he may identify, goes into the bathroom, he will then identify as a John Doe until he wakes up in whatever hospital he may be taken to. Your identity does not trump my little girl's safety. I identify as an overprotective father that loves his kids and would do anything to protect them." These comments follow violent comments made by the South Carolina Republican sheriff of Spartanburg County, Chuck Wright, who said that he'd "whip" transgender people who use public restrooms. Speaking of transgender women, who he referred to as "men", Wright said, "I'm gonna whip your tail if you go in there with my wife while she's trying to use the bathroom, or my granddaughter."

Understandably, the UK issued a travel advisory warning British citizens about anti-LGBT laws passed in Mississippi and South Carolina saying, “LGBT travellers may be affected by legislation passed recently in the states of North Carolina and Mississippi. Before travelling please read our general travel advice for the LGBT community.” The British government cautioned its citizens, “you’re more likely to experience difficulties in rural areas so it’s best to exercise discretion.” The warning continued, “some hotels, especially in rural areas, won’t accept bookings from same-sex couples - check before you go.” Britten advised that should LGBT citizens feel unsafe, they should go to their British embassy, “[o]ur embassy staff will help you if you run into problems overseas, especially if you feel that you can’t approach the local police.”

If you’re a transgender employee in North Carolina or Mississippi and are being denied use of a bathroom based on your gender identity, The TransAdvocate wants to help you file a claim against your employer with the Equal Employment Opportunity Commission (EEOC) by helping you navigate the process. This is a companion piece to The TransAdvocate’s interview with EEOC Commissioner Chai Feldblum. In the interview, Commissioner Feldblum stated:

Contrary state or local laws provide no defense to an employer that violates Title VII.

And...

[T]he [EEOC] Commission’s position that gender identity is protected under Title VII is equally applicable to applicants and employees who believe they have been discriminated against by private sector employers or state and local governments. The Commission has filed lawsuits to address a number of forms of employment discrimination related to LGBT status.

According to the EEOC, here’s how to file a charge:

You may file a charge of employment discrimination at the EEOC office closest to where you live, or at any one of the EEOC’s 53 field offices. Your charge, however, may be investigated at the EEOC office closest to where the discrimination occurred. If you are a U.S. citizen working for an American company overseas, you should file your charge with the EEOC field office closest to your employer’s corporate headquarters.

Where the discrimination took place can determine how long you have to file a charge. The 180 calendar day filing deadline is extended to 300 calendar days if a state or local agency enforces a state or local law that prohibits employment discrimination on the same basis. The rules are slightly different for age discrimination charges. For age discrimination, the filing deadline is only extended to 300 days if there is a state law prohibiting age discrimination in employment and a state agency or authority enforcing that law. The deadline is not extended if only a local law prohibits age discrimination.

Many states and localities have agencies that enforce laws prohibiting employment discrimination. EEOC refers to these agencies as Fair Employment Practices Agencies (FEPAs). EEOC and some FEPAs have work-sharing agreements in place to prevent the duplication of effort in charge processing. According to these agreements, if you file a charge with either EEOC or a FEPA, the charge also will be automatically filed with the other agency. This process, which is defined as dual filing, helps to protect charging party rights under both federal and state or local law.

Prior to contacting an EEOC District Office, the EEOC recommends using this assessment tool.

If the assessment tool determines that your case meets the minimum qualifications in order to file a claim for investigation, the tool will direct you to your nearest EEOC office.

To file a charge of discrimination against an anti-trans employer, select the district office closest to you from the below expandable options:

The Charlotte District Office is open for charge receipts Monday through Thursday from 8:30 a.m. - 5:00 p.m. and on Fridays from 8:30 a.m. to Noon. You may call first to obtain information and directions. You must arrive two hours before closing to assure same day service.

La Oficina de Charlotte está abierta de lunes a viernes desde las 8:30 a.m. hasta las 5:00 p.m. Si usted desea información en Español por favor consulte a Sandra Chavez 704-954-6450.

The Raleigh Area Office is open for charge receipts Monday through Thursday from 8:30 a.m. - 3:00 p.m. and on Fridays from 8:30 to noon. You may call first to obtain information and directions. You must arrive two hours before closing to assure same day service.

La Oficina de Area de Raleigh esta abierta para recepción de Querellas de Lunes a Jueves de 8:30 am a 3:00 pm. Y los Viernes de 8:30 am a mediodía. Se recomienda comunicarse antes de su visita para obtener información e instrucciones de como llegar. Para asegurar atención el mismo día deberá llegar dos horas antes de la hora de cierre.

Si usted tiene alguna pregunta puede llamar a la Supervisora Nina Troxler su teléfono 919-856-4282 o escribirle a su correo electrónico nina.troxler@eeoc.gov.

The Greensboro Local Office is open for charge receipts Monday through Thursday from 8:30 a.m. - 5:00 p.m. and on Fridays from 8:30 to noon. You may call first to obtain information and directions. You must arrive two hours before closing to assure same day service.

La Oficina Local de Greensboro esta abierta para recepción de Querellas de Lunes a Jueves de 8:30 am a 5:00 pm. Y los Viernes de 8:30 am a mediodía. Se recomienda comunicarse antes de su visita para obtener información e instrucciones de como llegar. Para asegurar atención el mismo día deberá llegar dos horas antes de la hora de cierre. Si usted desea información en Español por favor consulte a Arlene Glover at 336.547.4096.

The Jackson Area Office is open Monday - Friday 8:00 a.m. - 4:30 p.m.

Fill out the following form and bring it to the EEOC office nearest to you. If it's too far (ie, more than 50 miles) to hand-deliver this form to the EEOC office, you can mail it to the address of your EEOC office. If you live more than 50 miles from the EEOC office and mail in the form, the EEOC should contact you within 30 days. Having said that, the EEOC strongly advises that if possible, you should submit this form in person.

NOTE: Just because you fill out this form and mail it in, doesn't mean that you have completed the complaint process. Your complaint won't be officially filed until you have completed this form, turned it in, and have met with the EEOC after they have accepted your claim.

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