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The media is lying about why NC is being sued

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Abstract

By Cristan Williams @cristanwilliams Almost without exception, all news stories covering the US Attorney General's suit against North Carolina omits the rather significant fact that when North Carolina took federal money tied to the Violence Against Women Act (VAWA) and Title IX, they signed a contract with the federal government explicitly agreeing to not discriminate [...]

Article



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Almost without exception, all news stories covering the US Attorney General's suit against North Carolina omits the rather significant fact that when North Carolina took federal money tied to the Violence Against Women Act (VAWA) and Title IX, they signed a contract with the federal government explicitly agreeing to not discriminate on the basis of "gender identity". Unlike what you may have heard, this breach of contract is why North Carolina is being sued.

While the media has sensationalized this story by focusing on the North Carolina Governor's talking points of "federal overreach" and "federal bullying" while blaming liberals in Houston, Texas for his actions against the trans citizens of North Carolina, the actual story doesn't leave much room for the media to pander to the "transgender debate" trope. The actual story doesn't allow the media to make the US Attorney General's suit ambiguous, about morality, or even what "gender identity" means. The reason for this is that the Republican Congress defined what "gender identity" meant in 2013. Moreover, the Republican Congress set the very "gender identity" nondiscrimination standards under which North Carolina is being sued.

It's telling that the media seems unwilling or unable to tell the public what the Department of Justice (DOJ) told them during the press conference in which the DOJ suit against North Carolina was announced:

"We also bring a claim in the Violence Against Women Act, a more recent statute specifically designed to prevent discrimination against transgender people by entities that accept certain federal funds. As with Title IX, entities that accept federal funds under VAWA, including UNS and the NCDPS, pledged that they would not discriminate against sex or gender identity. Our complaint seeks to enforce that pledge and hold those entities accountable for the kind of discrimination required by HB2." - Vanita Gupta, head of the Civil Rights Division at the Department of Justice

Here's why the US Attorney General said Vanita Gupta's division was filing suit against North Carolina:

- "With respect to federal funding, the statutes we brought this lawsuit under do provide the opportunity to curtail federal funding under Title IX in the Violence Against Women Act."
- "The Violence Against Women Act specifically targets gender identity. The law and the case law around Title VII, Title IX, and the Violence Against Women Act clearly indicates HB2 is in violation of federal law."

North Carolina is being sued by the DOJ because North Carolina willingly signed a contract with the federal government agreeing to not discriminate on the basis of "gender identity" and then announced that they were going to discriminate on the basis of "gender identity".

Even though VAWA and Title IX funding comes with explicit prohibitions regarding discrimination on the basis of "gender identity", the North Carolina Governor has claimed numerous times that Congress needs to figure out what "gender identity" means since they've not addressed it. Apparently, Governor McCrory doesn't know that in the very Congressional Act he took money from -the VAWA- the act spells all of this out.

Remember, a Republican Congress passed the following language and furthermore, a Republican Congress explicitly approved banning discrimination on the basis of "gender identity":

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103-322 ; 108 Stat.

1902), the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109-162 ; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2013 , and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

Even if a Republican Congress hadn't passed the above language in 2013 (286 to 138), the VAWA explicitly states exactly who has the power to say who must be served with VAWA funding as an "underserved population":

[U]nderserved populations means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

These are the rules Congressional Republicans set up and these are the rules North Carolina contractually agreed to play by when they took VAWA funding. When North Carolina declared that they'd refuse to honor their contractual obligations, the DOJ announced they would sue North Carolina.

With regard to Title IX, when the University of North Carolina took Title IX funding, they signed a contract stating that they wouldn't discriminate based upon "gender identity." In keeping with Title IX policy, the University of North Carolina has a Title IX coordinator. Her name is Elizabeth Hall. Here's what the Department of Education's 2015 Title IX Resource Guide for Title IX coordinators states:

Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at recipient institutions are protected by Title IX--regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin--in all aspects of a recipient's educational programs and activities. - Page 1

And

The Title IX coordinator should also help ensure that transgender students are treated consistent with their gender identity in the context of single-sex classes. - Page 22

Again, North Carolina knew exactly what it was agreeing to when it entered into a contract with the Department of Education to receive Title IX funding. The only actual story here is that North Carolina wants the special right to receive funding under federal contracts they've declared they've no intention of honoring.

If defaulting on federal contracts North Carolina knowingly signed is the actual story behind the DOJ's suit, why is the media only interested in talking about "dueling lawsuits", the "transgender

debate”, or how there’s ambiguity to the DOJ’s suit? If “gender identity” was codified into law passed by a Republican Congress, why is the media perpetuating the myth that Congress hasn’t addressed the issue of “gender identity” discrimination yet?

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