

Title: **SC joins transgender bathroom lawsuit**
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SC joins transgender bathroom lawsuit

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COLUMBIA - South Carolina joined nine other states Friday in a lawsuit over federal rules allowing transgender students to choose the bathrooms that correspond with their gender identity.

The states allege that federal officials bypassed the law to hand down regulations earlier this year that remove the ability of local schools to handle the issue.

They are asking a federal judge to issue an injunction against enforcement of the new rules and guidance

and are seeking a declaration that the rules are unlawful.

"Plaintiffs stand united behind the constitutional principle that it is the duty of Congress to legislate, while it is the duty of the Executive Branch, including its various federal agencies, to administer and enforce the laws that Congress enacts," the states said in the suit, filed in federal court in Nebraska. "Defendants lack authority to amend those laws by executive fiat and to threaten Plaintiffs and their subdivisions with the loss of

billions of dollars in federal education funding if Plaintiffs continue to abide by the laws Congress actually passed."

Joining South Carolina in the suit are Nebraska, Wyoming, South Dakota, Ohio, North Dakota, Michigan, Montana, Kansas, Arkansas. A dozen other states also have sued over the directives, which in theory could jeopardize billions of dollars in federal funding for non-complaint school

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Suit

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systems.

"President Obama cannot force this unconstitutional mandate on South Carolina schools by allowing Washington bureaucrats to re-write federal law," South Carolina Attorney General Alan Wilson said in a statement. "By threatening to withhold hundreds of millions of dollars in education funding from our schools, this administration is once again displaying a complete lack of respect for the 10th Amendment, the rule of law and a total disregard for the well-being of our children. This cannot be tolerated."

Additionally, Wilson said, federal and state laws are not needed "as local school districts are more than capable of handling this matter in an appropriate and nondiscriminatory way."

State Rep. Todd Rutherford, a Columbia attorney and leader of House Democrats, called the lawsuit "silly."

"We never miss an opportunity to show our bigotry," he told *The Greenville News*. "It's not enough that other states are suing, but we have to be sure our name is on the list as well so that when people look for hatred they see

our name on the list. It's a silly waste of taxpayer money."

He said the states are "missing the fact that a lot of kids are getting bullied because of the state insensitivity and the administration went along way to be sure that they were protecting children."

"South Carolina is going out of its way to make sure those children will be unprotected," he said.

The 34-page lawsuit was filed in federal court in Nebraska.

The 4th Circuit Court of Appeals based in Richmond, Va., which handles cases originating in South Carolina and other nearby states, has delved into the issue this year.

A 4th Circuit panel ruled 2-1 earlier this year that a lower court should rehear a Virginian student's claims that his school's policy violates federal law. The school board has a policy directing transgender students to use unisex bathrooms.

The U.S. Education Department argued in that case as well as in its guidance letter to school districts in May at issue in the lawsuit that transgender students should be allowed to use bathrooms that align with their gender iden-

tities instead of being forced to use those that correspond with their biological gender. To do otherwise, department officials argue, amounts to a violation of Title IX, which bans sex discrimination at schools receiving federal funding.

But the attorneys general from the nine states disagree.

"Without engaging in any rulemaking procedures — and in violation of the plain text and longstanding meaning of Titles VII and IX — (the Department of Education) issued a joint letter with the Department of Justice on May 13, 2016, declaring 'significant guidance,'" the lawsuit states. "The letter confirmed that the federal executive branch has formalized its new definition of the term 'sex' and threatened enforcement action against any of the more than 100,000 elementary and secondary schools that receive federal funding if those schools choose to provide students with showers, locker rooms, and restrooms designated by biological sex, consistent with one's genes and anatomy."

Gov. Nikki Haley has opposed what the federal government has done on the issue.

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When Sen. Lee Bright, a Spartanburg County Republican, introduced a measure in April to require those using public bathrooms and locker rooms to choose the facility of their gender at birth, Haley said publicly she had no interest in such legislation, which ultimately died in committee.

"As I said when North Carolina passed its law, I don't think we need that type of law here," Haley said in May. "But we also don't need President Obama imposing a one-size-fits-all policy from Washington. We have always been proud of the fact that we handle issues such as this one in our school districts, and I trust South Carolinians to decide this issue, community by community, at the school district level."

In hearings over Bright's bill, opponents, including former state Education Superintendent Inez Tenenbaum, argued that enacting the bill would violate

Title IX and jeopardize federal education funding to the state.

Current State Education Superintendent Molly Spearman did not challenge May's federal directive in a statement issued afterward.

"The South Carolina Department of Education and school districts throughout the state are dedicated to ensuring a safe and respectful climate for all students," she said in a statement. "We continue to monitor and advise schools and districts on discriminatory issues to ensure compliance with Title IX and all other federal requirements."

Obama said in May that the new directive is aimed at protecting transgender students from bullying.

"They are vulnerable and I think it's part of our obligation as a society to make sure everybody is treated fairly, and our kids are all loved and protected, and that their dignity is affirmed," he

told the website BuzzFeed.

A spokesman for the U.S. Department of Education said Friday the agency had no comment on the lawsuit.

In a statement issued in May, the agency and its office of civil rights said the directives were aimed at addressing sexual violence and discrimination in schools and college campuses.

"Our federal civil rights laws demand that all students – women and men; gay and straight; transgender or not; citizens and foreign students – be allowed to learn and participate in all parts of college life without sexual assault and harassment limiting their opportunities," said Catherine E. Lhamon, assistant secretary for civil rights. "The Office for Civil Rights stands ready to enforce this core principle to ensure all students' safety in schools."



TIM DOMINICK/THE STATE

The Trans Student Alliance at USC held a rally in April at the State House to protest the S. 1203 bill that would ban transgender people from choosing the bathroom they use.

Title: **Emails show nationwide praise, criticism for Haley**
 Author: BY JAMIE SELF, CASSIE COPE, BRISTOW MARCHANT AND AVERY WILKS
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ONE YEAR LATER: REMOVING THE CONFEDERATE FLAG

Emails show nationwide praise, criticism for Haley

Gov. Nikki Haley received more than 10,000 emails and letters about flag and Charleston church shooting

Haley's push to take down divisive banner came after the racially motivated slaying in Charleston church

"You are standing now on the right side of history and on the right side of human rights," one email says. Other emails weren't so nice.

BY JAMIE SELF, CASSIE COPE,
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COLUMBIA

Praise and criticism from across the country flooded S.C. Gov. Nikki Haley's inbox last year as the state reeled from the shooting of nine parishioners in Charleston and grappled with whether to remove the Confederate flag from the Statehouse grounds.

The Lexington Republican on Wednesday released more than 10,000 pages of emails and letters related to the Confederate flag and the event that led her to call for its removal — a shooting at "Mother" Emanuel AME Church in Charleston, which claimed the lives of nine African-American churchgoers.

In the days immediately following the shooting, emails overwhelmingly urged the governor to remove the divisive banner from its public perch. Many came from out of state.

"As a white citizen of this country, I am ashamed that a state government still flies a flag that is hurtful to all of us," a California woman wrote.



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"At this time of mourning for those who were murdered at Mother Emanuel Church, to continue to allow a symbol of hate and pain to fly is the height of insensitivity," a New Jersey man said.

When Haley called for the flag's removal five days after the shooting, she received a flood of emails from Confederate flag supporters.

A Greer man wrote, "Until yesterday I have been a supporter of your agenda. Now I regret to inform you that I will never cast another vote for you, or any legislator who votes to remove this symbol of heritage (not hate)."

The emails, released to reporters Wednesday through an open records request, are being made public just days before Sunday's one-year anniversary of the flag's furling. The correspondence spans from June 18, the day after the church shooting, to July 13, three days after the Confederate flag was removed from the Statehouse grounds.

The governor's office redacted last names and contact information for the people who communicated with her. The office also withheld a small number of emails that contained security details or legal memos,

her office said.

One email included in the public records request came from Columbia attorney Leighton Lord, who was working with a team of about 10 other people to contact businesses and prominent leaders to ask them to add their names to a full-page newspaper ad endorsing the flag's removal.

The team also asked for money to buy the ad, and "no one refused," Lord said Wednesday when asked about the list.

The team collected endorsements from more than 50 major business and political players for removing the flag, which they shared with the governor.

The endorsements included former S.C. governors, current U.S. senators and representatives, manufacturing giants Boeing, BMW, Michelin and Milliken, the presidents of Furman, USC, Clemson, and the College of Charleston and various other business and community organizations.

The emails released Wednesday also include an early \$1 million estimated cost for displaying the Confederate flag prepared by the Confederate Relic Room director for legislators. Later estimates, which included a major museum renovation,

set the cost more than \$5 million.

Cries for the flag's removal started almost immediately after news broke that nine African-American churchgoers were shot and killed while they prayed and studied the Bible together.

One of the victims included the church's pastor, state Sen. Clementa Pinckney.

Not long after the shooting, online pictures emerged of accused shooter Dylann Roof posing with the flag on a website with racist writings that he allegedly wrote.

Less than a week after the shooting, Haley gathered state officials at the Statehouse and, in a news conference, called for the Confederate flag's removal from its pole near the Confederate Soldier Monument on the State House grounds.

A symbol of the state's Confederate heritage to some, Haley said the banner had been hijacked and needed to be removed. The S.C. Senate agreed.

By early July, after hours of contentious debate, the state House delivered the flag a final blow, voting to remove the Confederate flag from the Statehouse grounds. It was removed

SEE FLAG, 2C

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The nation reacts

Proponents of removing the Confederate flag from Statehouse grounds, written in emails and letters to S.C. Gov. Nikki Haley

- "It is not just one evil man who committed one evil act in Charleston. It is the culture, including guns, racism, lack of education and all the rest. You are wrong to avoid and deny this reality. Start by (Reagan reference intended) 'Take down that flag, Ms. Haley.' " – **Marion from Rhode Island**
- "THIS IS YOUR HURRICANE KATRINA." – **A Roebuck man**
- "The anger, disrespect and stalemate models provided by our government (especially in Washington) sets the tone for breeding hatred in our society. Please move the Confederate flag to a less prominent (in your face location) with the explanation and back-story from 1961 which is not from the Civil War heritage, but from courage ... which I think you have." – **A woman from Salley**
- "While I hold the 1st Amendment dear, there are some symbols that do not represent anything good and decent to reasonable people." – **66-year-old Ohio man who said he would no longer come to South Carolina**

Opponents of removing the Confederate flag from the Statehouse grounds

- "I hope you reconsider your stance on the flag issue and not let the politically correct crowd hijack the proud history of South Carolina and all of the South." – **Clay, lifetime member of the Sons of Confederate Veterans**
- "Until yesterday I have been a supporter of your agenda. Now I regret to inform you that I will NEVER cast another vote for you, or any legislator who votes to remove this symbol of heritage (not hate)." – **A Greer man**
- "That flag represents our home." – **S.C. resident, who also denounced "government overreach" and Mitt Romney and Jeb Bush, who called for the flag's removal**
- "Please let the population vote." – **N.C. resident**

FLAG

FROM PAGE 1C

from the capitol dome in 2000.

Before Haley's announcement, several of the emails, angry about the flag still flying, informed Haley of canceled plans to move to or vacation in South Carolina and threatened to boycott goods made in the Palmetto State.

Several compared the Confederate banner to the Nazi flag. Others called for Haley to back gun control measures and not to blame the shooting on mental health issues.

Some said the Confederate flag — and the vestiges of Confederate culture in the South — helped shape Roof, who faces the death penalty in both state and federal court.

"Is it a surprise that a young man who was raised under this banner, and drives the streets named after Confederate generals, should turn out to uphold this violent and racist tradition?" an Illinois man wrote.

"I believe that the perception is that a miscreant like Dylann Roof was created, and nurtured, in

the arms of an intolerant, racist Southern tradition."

FLAG 'SHOULD FLY PROUDLY'

Not all of the correspondence Haley received was against the flag.

A Florida man said he has read many accounts of the Civil War which have "struck a very deep and emotional chord for me. In my readings, I have never seen evidence that the Confederate flag represents a 'hatred of blacks,' as has been proclaimed by the press in the past two days."

The flag, he said, "is a symbol of historical significance and should fly proudly over all the state capitols that once belonged to the Confederate States of America."

A Greenwood man wrote in support of the flag, saying "any semi-reasonably intelligent people can research the history, origins and purpose of this emblem and rightfully (conclude) that it had nothing to do with the cause they assign to it."

"To acquiesce to their cries is to throw away the integrity of those that died

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and fought," he said.

DESCENDENTS OF CIVIL WAR SOLDIERS, KLANSMAN WEIGH IN

A long-time member of the Sons of Confederate Veterans from Aiken called for the flag's removal.

"It's the least we can do to show our respect and support and to demonstrate that the Republican Party, and most importantly, the state of South Carolina is not racist," he wrote. "Unfortunately, since the flag has become a symbol of racism, just take away the symbol, and let's move on."

A man who said he is a grandson of a Ku Klux Klan leader in rural Alabama, living in Oregon, said he knew "how it became a symbol of bigotry, hatred and oppression, and I can imagine how hurtful it must seem to the descendants of slaves. ... I believe your brave leadership will help move South Carolina and all of the South beyond the darkness of the past."

But descendants of Confederate soldiers also

criticized Haley's decision. One whose ancestors fought with the Tennessee 25th Infantry urged Haley to keep the flag flying.

"I know that there has been many people who would like nothing better than to see the 'Battle Flag' removed from in front of the Statehouse grounds and are using this tragic incident to help their cause and to stir up the media," said Mark (no last name) of Indian Land.

He added: "I honor the Confederate Battle Flag as a symbol of the war that my ancestor fought and died for and not a symbol of hatred and racism."

HOSTILITIES, POLITICAL WARNINGS IN SOME NOTES

Other emails warned Haley of the political fallout.

A North Augusta man warned that removing the flag would "destroy your political career" and "hurt the Republican Party dearly. ... The Confederate Flag had nothing to do with what one crazy person did."

Some called her a traitor: "(I)s there a connection of races here? She is surrounded by blacks making the announcement — where are the whites?" said a man from Winston-Salem.

Several emails were racist and sexist in nature, criticizing Haley's Indian-American heritage. Some included racial slurs against African-Americans.

Sometimes the tone of the emails grew threatening.

For example, one writer damned Haley to hell for pushing for the flag's removal.

Another called Haley "a pawn in the black race's hands" and said her position was an "all-out attack on our Southern heritage." The writer added, "If this were the Civil War Era, I would have you executed!"

A Seattle man, meanwhile, accused Haley of shifting blame for the shooting and said the governor is partly responsible. "You, Governor, helped put the shooter in

that church. You ... fly that Confederate battle flag over the capitol. You ... promote legislation that puts guns in the hands of racists and murderers. You ... are responsible. Not as responsible as he who pulled the trigger."

But Haley also received much praise for pushing for the flag's removal.

'ON THE RIGHT SIDE OF HISTORY'

A Texas woman, and "lifelong Democrat," said she's "walking around saying great stuff about a Republican governor right now. If I were in your state, I'd consider voting for you! Go, Go, Awesome Governor!"

Mary, a 65-year-old woman from the town of Cross, thanked Haley from "the bottom of (her) heart. ... God Bless You! You are standing now on the right side of history and on the right side of human rights. ... (A)s a woman, a woman of color and a woman of God you have let the light of love shine on all South Carolinians."

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The South Carolina Highway Patrol Honor Guard removed the Confederate Battle Flag from the Statehouse grounds during a ceremony on July 10, 2015.

Title: **Haley order addresses what she calls hidden budget earmarks**
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Haley order addresses what she calls hidden budget earmarks

BY SEANNA ADCOX
 Associated Press
 COLUMBIA

Gov. Nikki Haley is hoping to force South Carolina legislators to be more forthright about budget earmarks.

The Republican governor issued an executive order Thursday aimed at stemming so-called “pass-throughs.” That’s when legislators send money to an agency without its request, to be spent on local projects.

Her order requires Cabinet agencies to verify such projects benefit the public and fit the agency’s mission

before funding them. It also requires an annual report detailing those earmarks.

Haley said last month while issuing her budget vetoes that pass-throughs are “really starting to become a problem.”

For example, this year’s budget allocated \$6.4 million to the Department of Parks Recreation and Tourism for unspecified “revitalizations.” Legislators overrode Haley’s line-item veto.

The order covers the 16 agencies that report to Haley.



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CORRECTION

S.C. Gov. Nikki Haley’s office did not confirm whether it forwarded any emails related to the Confederate flag to state law enforcement for review. A story on page A1 of The State on Thursday was incorrect.