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Taking sides politically ups ante for pro leagues

This weekend, the NBA broadcast its annual All-Star Weekend from New Orleans. During the program which marketed a Taco Bell Skills Challenge, the NBA commissioner was also able to have the nation's ear about the league's serious positions on controversial political issues.

Especially in today's tense political climate, sports leagues, teams and athletes are using their unique platform to impact politics, legislation and social change.

It is not uncommon for us to observe individual athletes using their influence to provide partisan support to political issues.

Recently we have seen athletes like Colin Kaepernick, LeBron James and a handful of New England Patriots use their special platform to call attention to contentious matters surrounding race and discrimination.

These individual athletes' actions have been met with both praise and hostility. These days, bringing everyone together for the game poses the risk of causing people to further divide.

Given the wide range of sports fans' political views, we do not often see entire professional sports teams and leagues taking strong, straightforward public positions on controversial topics.

Like others, I tuned into NBA All-Star Weekend with the hope of witnessing a fellow Bay Area native, Orlando Magic forward Aaron Gordon, claim the 2017 Verizon Slam-Dunk Contest title. Gordon unfortunately lost, but, because of the assured entertainment, I was queued up to witness NBA Commissioner Adam Silver, deliver the annual state of the NBA address.

In his news conference, Silver reiterated why this year's All-Star Weekend was held in New Orleans instead of Charlotte as originally planned. The reason: The NBA's position against North Carolina's legislation which impacts transgender bathroom use.

In March 2016, North Carolina passed the Public Facilities Privacy

and Security Act, House Bill 2.

This law requires schools, public agencies and public college campuses to designate single-sex multiple occupancy bathrooms for people based upon the sex stated on their birth certificate, their biological sex.

HB2 was a clear response to the city of Charlotte's early 2016 extension of its anti-discrimination ordinance, which allowed transgender individuals to choose public restrooms corresponding to the gender which they personally identify, regardless of biological sex.

HB2, a state law, pre-empts Charlotte's city ordinance, thus nullifying the protections gained by transgender individuals in Charlotte.

Interestingly, the NBA was willing to take a concrete, seemingly selfless position on a LGBTQ issue, despite the fact that there are no openly transgender NBA players and there has only been one NBA player who has played while openly gay.

Reportedly, before it was passed, the NBA and the Charlotte Hornets organization tried to work with North Carolina lawmakers to revise HB2 to satisfy all parties, but this attempt failed. In September, the NBA announced the change in plans to relocate All-Star Weekend.

Proponents of HB2 argue that it protects the basic expectation of privacy and etiquette in personal settings, like a restroom or locker room.

Opponents of HB2 argue that it directly violates Title IX, a federal nondiscrimination act which bars discrimination in education based on sex, as well as Title VII of the Civil Rights Act, which bans employment discrimination.

The NBA's Silver aligned the league with the left-wing opponents of HB2 and asserted because HB2 limits anti-discrimination protection of the transgender community, it is inconsistent with the league's core values.

In this case, the NBA did more than the average verbal statement; they actually acted upon

TIME-OUT

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their position to potentially make an impact.

Physically moving the NBA All-Star Game out of North Carolina undoubtedly meant the loss of significant revenue for the state, but it did not result in the repeal of HB2 (yet). But, the NBA's decision to boycott Charlotte arguably serves to put other potential host cities on notice that legislation in their respective states would be a definite factor when selecting potential host cities for NBA events.

The NBA was not alone in its public position against North Carolina's bathroom bill. The collegiate Atlantic Coast Conference pulled its league championships out of North Carolina, and the NCAA moved seven championship events out of the state, including the first and second rounds of the 2017 NCAA Men's Basketball Tournament because of the law.

Given these actions in favor of providing protections to transgender people will sports fans and organizations that support the passage of bathroom bills and the like decide to fight back? Will they boycott Steph Curry jerseys? Will they stop filling out March Madness brackets?

Proponents of bills similar to North Carolina's HB2, may not only be pitted against the NBA, NCAA and ACC on the issue, but now also the NFL.

Addressing the proposed Texas legislation, Senate Bill 6, providing

that people would be required to use the bathrooms that correspond to their biological sex, or the sex on their birth certificate, NFL spokesman, Brian McCarthy, stated that, "the NFL embraces inclusiveness."

Further, the NFL declared that laws that conflict with its commitment to be inclusive would certainly factor into where it holds future Super Bowls.

Given that the Super Bowl was just hosted in Texas, it is less likely that the NFL's proclamation against SB 6 will cause significant impact to its passage and more likely that the NFL delayed making the statement to avoid a showdown with Texas.

NBA's Silver commented during his All-Star address that he is not ready to say that there is a bright-line test for whether or not the NBA will play All-Star games in Texas. He promised that they would monitor the Texas bill closely as "our leaguwide values in terms of equality and inclusion are paramount to this league and all the members of the NBA family ..."

Currently, there are a handful of states that have introduced legislation that would restrict access to multiuser restrooms on the basis of a definition of gender consistent with a person's biological sex.

Last month, Illinois state Rep. Thomas Morrison, a Palatine Republican, filed House Bill 664, which would require school boards to designate multiple-user restrooms at schools for the exclusive use of pupils of only one sex. The bill defined "sex" as the physical condition of being male or female, as determined by an individual's chromosomes and identified at birth by that individual's anatomy.

A similar bill Morrison filed last year was assigned to a House subcommittee where it withered over several weeks without a vote.

Should the Illinois bill ever show a likelihood of passing, it will be interesting to see if the Chicago Bulls organization becomes a member of the opposition team.