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MARGARET CHEN
FLOYD AND DELORES JONES
FAMILY FELLOW

November 16, 2012

YANESSA TORRES
HERNANDEZ
EQUAL JUSTICE WORKS
FELLOW

Terry J. Lundgren, Chairman, President and Chief Executive Officer
Dennis J. Broderick, General Counsel and Secretary
William L. Hawthorne, III, Diversity Strategies and Legal Affairs
Macy's Corporate Services
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**Re: Macy's Response to Unlawful Discrimination at Macy's in
Lynnwood, WA**

JESSE WING
BOARD PRESIDENT

Dear Mr. Lundgren,

We are writing to express concern about an incident of unlawful discrimination that occurred last month at the Macy's store in Lynnwood, Washington.

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

As we understand it, on October 27, 2012, between 1:00pm and 3:00pm, [redacted] visited the Macy's store in Lynnwood intending to purchase women's clothing. When Ms. [redacted] went to the women's dressing room to try on clothing, a sales associate informed Ms. [redacted] that she was not feminine enough to use the women's dressing room. According to the sales associate, Ms. [redacted] needed to use the men's dressing room to try on the women's clothing she wanted to purchase. Despite Ms. [redacted]'s explanation that she is a woman and needed to use the women's dressing room, the sales associate refused to allow her to enter, again stating that Ms. [redacted] was not feminine enough to use it. The foregoing exchange occurred in the presence of many other Macy's customers, which deeply offended and humiliated Ms. [redacted]. Ms. [redacted] informed a store manager of the incident and received no apology or support in the matter. She left the store without trying on or purchasing the clothing she was interested in. While Ms. [redacted] was shopping at another retail store, employees of that store informed her that they had left their employment with Macy's due to past discriminatory conduct by the sales associate who refused to allow Ms. [redacted] to enter the women's dressing room. Ms. [redacted] sent a letter dated October 27, 2012 to Macy's corporate headquarters in Cincinnati, Ohio regarding this incident and has not received a response.

Ms. [redacted] identifies as a transgender woman and believes that she endured the afore-described treatment as a result of her gender expression or identity. We have learned of no facts that suggest otherwise.

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As you know, Washington state law forbids discrimination against transgender individuals in places of public accommodation. Under the Washington Law Against Discrimination, a retail store such as Macy's cannot discriminate against any customer on the basis of that customer's "gender identity or expression," which is defined as that customer's actual or perceived gender identity, self-image, appearance, behavior or expression, whether or not it is different from that traditionally associated with the customer's biological sex. RCW 49.60.040(26). Consequently, Macy's was legally required to afford Ms. [redacted] "full enjoyment" of its Lynnwood store, which includes the right to enter the store and not be treated as unwelcome, unaccepted, undesired, or unsolicited. RCW 49.60.040(14).

We would be very interested in learning what steps Macy's plans to take to ensure that an incident similar to the one that befell Ms. [redacted] does not occur in the future. We look forward to hearing from you.

Sincerely,



Margaret Chen
Floyd and Delores Jones Family Fellow

CC: