

# Where will the bathroom cops strike next?

**Marty Trillhaase/Lewiston Tribune**

When Ally Robledo entered the restrooms at Lewiston's Rosauers, she wasn't making a political statement.

Nothing in the record says the 25-year-old transgender woman used the bathroom inappropriately.

Nobody said she was shoplifting. Or fighting. She wasn't drunk. She didn't bring a dog into the store.

But somebody complained. The store management called out the Lewiston Police Department, had Robledo removed and slapped a one-year no-trespassing order on her. If she violates it, Robledo could be charged with a misdemeanor.

In other words, Robledo was thrown out not because of what she said or did.

She was evicted because of who she was.

Robledo went public with the story last week.

"I just want people to know that being the way I am, it's not a choice," she told the Tribune's Kelcie Moseley. "This is who I am, this is what I am."

Twenty-one states - including Washington - the District of Columbia and 167 cities - including Moscow, Boise, Sandpoint and Ketchum - would call that discrimination. They've extended civil rights protections to gays, lesbians, bisexuals and transgender people.

Had the same incident occurred in Clarkston, police would not be administering a no-trespass order. Instead Robledo could have filed a complaint with the Washington State Human Rights Commission. After an investigation, the state agency might have arranged a settlement - compensation for Robledo, some training for the store employees and a new store policy - or the case could have gone to the courts where the stakes might be even higher.

Odds are, just having a clear standard on the books would have prevented the incident from occurring.

Not so in Idaho, where the Legislature has refused to even consider a bill outlawing discrimination on the basis of sexual orientation and gender identity on the job, in housing and at public accommodations under the state's Human Rights Act.

Not yet in Lewiston. Although city councilors banned such discrimination against their own employees under the city's personnel policies, they have yet to follow the lead of sister cities.

Where does that leave Robledo? Would you have her use the men's room? How uncomfortable would that be for her? How disruptive might it be for others?

And if you would tolerate having her barred from using a public restroom, would you prohibit her from using locker rooms?

Would you keep her out of restaurants?

Refuse her an apartment?

Deny her employment?

And where do the public restroom police turn next?

To the teenage boy with long hair and slight features?

How about the person whose gender is concealed beneath sweat pants and a hoodie?

What would they say to the father whose shopping trip has been interrupted by a young daughter who has to use the bathroom this minute? What would you have him do?

Same for the mom with a young son?

Nor does this situation work all that well for Rosauers and other merchants. They're battered by conflicting standards. If the law says they can play bathroom monitor, some customers will clearly demand they do so.

But civil liberties lawyers point to a federal Equal Employment Opportunity Commission ruling that says discrimination based on gender identification is just as illegal as discrimination based on sex. All of which may leave them unintentionally violating the law.

If Lewiston's city councilors ever needed a reason to act, Robledo's story has provided one. No longer can they avoid the choice. In the absence of responsible state action, they must adopt a clear, unambiguous standard: Discrimination in all forms will not be tolerated.

What's taking them so long? - M.T.