



June 16, 2023

Brian C. Cornell
Chairman and CEO
Target Corporation
50 S. 10th Street
Minneapolis, MN 55403

Dear Mr. Cornell,

As Attorneys General with a strong commitment to protecting the civil rights of LGBTQIA+ individuals, we write to express our resolute and unequivocal support for the LGBTQIA+ community as well as our concern regarding recent events in Target stores involving intimidation and destruction of certain Pride-related merchandise and Target's resulting decision to remove some Pride merchandise from its stores. We commend, of course, Target's intention to keep its staff members and customers safe: protecting workers from harassment, violence, threats of violence, and predation is one of the highest priorities of our offices, and we deplore any and all malicious destruction of Pride merchandise and any and all intimidation of Target staff. As we see it, Target has been the victim of potentially criminal acts, in response to which we encourage you to reach out to responsible authorities. We stand ready to help address anti-LGBTQIA+ threats and harassment in Target stores.

LGBTQIA+ Americans have faced an increasing number of politically motivated attacks over the past two years. A number of legislatures around the country have adopted laws barring public schools from discussing LGBTQIA+ identity, limiting gender-affirming care, prohibiting transgender individuals from using bathrooms or playing on sports teams aligned with their gender identity, and restricting drag performances.¹ At the same time, the LGBTQIA+ community has also increasingly been targeted by harassment and hate, including escalating

¹ See, e.g., Cullen Peele, *ICYMI: Iowa Governor Kim Reynolds Signs "Don't Say LGBTQ+" and Sex Ed Censorship Bills into Law*, Human Rights Campaign (May 30, 2023), <https://www.hrc.org/press-releases/icymi-iowa-governor-kim-reynolds-signs-dont-say-lgbtq-and-sex-ed-censorship-bills-into-law> (collecting recently introduced and passed legislation affecting the LGBTQIA+ community).

threats of violence and a spike in baseless and pernicious accusations that LGBTQIA+ individuals seek to abuse or convert children.²

Against this backdrop, Pride merchandise like Target's helps LGBTQIA+ people see that they enjoy considerable support and that loud and intimidating fringe voices and bullies do not represent the views of society at large. We understand Target recently pulled some Pride merchandise from its shelves out of concern for worker and customer safety. While we understand the basis for this action, we are also concerned it sends a message that those who engage in hateful and disruptive conduct can cause even large corporations to succumb to their bullying, and that they have the power to determine when LGBTQIA+ consumers will feel comfortable in Target stores—or anywhere in society. Though we do not doubt Target's longstanding commitment to LGBTQIA+ equality, and though we laud your intention to keep your staff members and customers safe, we fear your choice to pull Pride merchandise demonstrates that intentional violence and intimidation can set back the march for social progress and LGBTQIA+ equality, which as we have noted is already under intense attack nationwide.

Our states have many resources to support Target's efforts to protect its staff and customers in the face of hate-based intimidation, harassment, threats, or attacks. It goes without saying that any concrete threats of violence should be reported to local law enforcement. Many states also have other tools at their disposal to combat anti-LGBTQIA+ harassment. Massachusetts, for instance, assigns liability under its public accommodations law not just to the owners or operators of those accommodations, but to any individual—including other customers or members of the public—who discriminates against others' use and enjoyment of those accommodations on the basis of a protected characteristic like sexual orientation or gender identity.³ Similarly, the Massachusetts Civil Rights Act empowers the Commonwealth to seek injunctive relief against anyone who interferes with others' constitutional and statutory rights by means of threats, intimidation, or coercion.⁴ The Minnesota Human Rights Act (MHRA)⁵ currently prohibits discrimination based on sexual orientation and gender identity.⁶ The reach of the MHRA extends to the "full and equal enjoyment" of the goods and services of places of public accommodations.⁷ The MHRA also prohibits any person from intentionally obstructing or preventing any person from complying with the Act.⁸ Further, it is a crime in Minnesota to destroy property "because of the property owner's or another's actual or perceived ... sexual orientation"⁹ and to commit harassment crimes "because of the victim's or another's actual or perceived ... sexual orientation."¹⁰

² See, e.g., Hannah Allam, *Pride events targeted in surge of anti-LGBTQ+ threats, violence*, Washington Post (June 17, 2022), <https://www.washingtonpost.com/national-security/2022/06/17/lgbtq-pride-violence/>; Kat Tenbarge, *LGBTQ people face 'groomer' accusations and trolling as culture war rages on*, NBC News (April 19, 2022), <https://www.nbcnews.com/tech/internet/lgbtq-abuse-spikes-online-fueled-intensifying-culture-war-rcna24904>.

³ M.G.L. ch. 272, § 98; see also D.C. Code § 2-1402.31.

⁴ M.G.L. ch. 12, § 11H; see also D.C. Code § 22-3705.

⁵ Minn. Stat. ch. 363A.

⁶ Minn. Stat. §§ 363A.02 and 363A.03, subd. 44.

⁷ Minn. Stat. § 363A.11, subd. 1(a)(1).

⁸ Minn. Stat. § 363A.14(3).

⁹ Minn. Stat. § 609.595, subds. 1a and 2.

¹⁰ Minn. Stat. § 609.749, subds. 2 and 3(a)(1).

Indeed, all our states have laws protecting against discrimination on the basis of sexual orientation and gender identity in places of public accommodation like Target stores. While these laws certainly do not create a legal obligation for retailers to offer any particular merchandise or create any particular displays, they do demand that customers be treated equally. In this context, we urge Target to be mindful of its obligations under these laws as it makes decisions as to how to respond to backlash against its Pride merchandise. If Target again finds itself facing anti-LGBTQIA+ harassment—whether of customers or employees—store management or the corporate office are encouraged to reach out to our offices. We are ready, willing, and able to work with you in the spirit of progress, inclusivity, and equality.

This Pride Month, the LGBTQIA+ community needs and deserves our support and protection more than ever. We urge Target to double down on inclusivity, reject hate in all its forms, and stand firm in the face of intimidation and discrimination. We hope that we can work together with Target to create a welcoming space where members of this community, including Target staff and customers, can express themselves in the joyful spirit of Pride.

Sincerely,



ANDREA JOY CAMPBELL
Massachusetts Attorney General



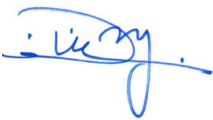
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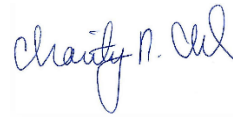
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