

# THOMAS MORE SOCIETY

*A National Public Interest Law Firm*

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September 10, 2015

*Via email, facsimile, and U.S. Mail*  
Roland C. Smith, Chairman and CEO  
Office Depot, Inc.  
6600 North Military Trail  
Boca Raton, FL 33496  
*Fax: 1-800-685-5010*  
*Email: diane.demma@officedepot.com*

Re: Maria Goldstein (Order #788582348-001; Internal Case # 6663634)

Dear Mr. Smith:

We represent Maria Goldstein, your customer who, on August 20, 2015, ordered copying services to reproduce the attached flyer via on-line request (Order Number 788582348-001). She indicated that she wanted to pick up the copies at your Schaumburg, IL store in suburban Cook County near her home.

Following her on-line request, Ms. Goldstein received a phone message from an employee named Matt at your Schaumburg, IL Office Depot stating that he needed to talk to her about the order. Ms. Goldstein returned Matt's call, but he was unavailable. Another employee at the store informed Ms. Goldstein that printing of the flyer was "restricted by corporate policy." The employee told Ms. Goldstein that the order would not be fulfilled.

Ms. Goldstein then called 1-800-Go-Depot and complained about the refusal of service. She was placed on hold while the customer service employee apparently contacted the store. After waiting several minutes, she was told by the employee that the printing job would not be honored because of "corporate policy."

Ms. Goldstein then called the Office of the Chairman on August 21, 2015. The call was not returned. Ms. Goldstein repeated her calls on August 27 and 28, again with no return call or response.

Ms. Goldstein then contacted this firm, the Thomas More Society, and we advised her to make a last attempt at contact, with the added message that she had retained legal counsel. She did so on August 31, 2015 and received a telephone call back the next morning (September 1, 2015) from Diane Demma, Office of the Chairman. Ms. Demma gave Ms. Goldstein a case file number (6663634). Ms. Goldstein forwarded a copy of the flyer to her attention. Ms. Demma called her back later in the day, and told her that "if it makes employees feel uncomfortable they don't have to print something." She also stated that they are "working on a policy" for situations like this. No satisfaction was offered to Ms. Goldstein for the refusal of service.

We take exception to your position. Your store, in our view, is a public accommodation within in the meaning of the Cook County Human Rights Ordinance,

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*"Injustice anywhere is a threat to justice everywhere." – Rev. Dr. Martin Luther King*

<http://www.jmls.edu/fairhousing/pdf/cook-county-human-rights-ordinance.pdf>, which provides at Section II ( P) that "**Public accommodation**' means a person, place, business establishment, or agency that sells, leases, provides, or offers any product, facility, or service to the general public in Cook County, regardless of ownership or operation (1) by a public body or agency; (2) for or without regard to profit; or (3) for a fee or not for a fee." Office Depot in Schaumburg, IL offers products and services to the general public in Cook County for profit, and so is explicitly encompassed within the scope of the Ordinance, and obliged to adhere to its requirements.

The Ordinance provides at Sec. V(A) that "No person that owns, leases, operates, manages, or in any manner controls a public accommodation in Cook County shall withhold, deny, curtail, limit, or discriminate concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination." "**Unlawful discrimination**" is defined at Sec. II (T) as "**discrimination against a person because of the actual or perceived status, practice, or expression of that person's** race, color, sex, age, **religion**, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person" (emphasis added). The Ordinance defines Religion to mean "all aspects of religious observance and practice, as well as belief, or the actual identification with or perceived identification with a religion." *Id.* at Sec. II(Q).

The Office Depot in Schaumburg is also a "place of public accommodation" under the Illinois Human Rights Act (775 ILCS 5/5-101 *et seq.*), which defines a place of public accommodation to include "sales or rental establishment[s]", 775 ILCS 5/5-101(A)(5), and "service establishment[s]", 775 ILCS 5/5-101(A)(6). The Act prohibits Civil Rights Violations, which include to "[d]eny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation." 775 ILCS 5/5-102(A).

Ms. Goldstein's flyer unmistakably expresses her Christian religious convictions. It contains a prayer by Fr. Frank Pavone, National Director of Priests for Life, a national Catholic pro-life organization, seeking divine assistance to end abortion and the pernicious practices of Planned Parenthood, and calls for God to "[b]ring conversion to all who do this, and enlightenment to all who advocate it." The prayer ends with the statement, "We pray in the name of Jesus the Lord. Amen!" The flyer also incorporates facts about Planned Parenthood from its annual reports and from another source, the pro-life Charlotte Lozier Institute, illustrating and corroborating the prayer's references to Planned Parenthood. The one-page flyer is religious throughout in tone and content.

We believe that by allowing and ratifying your employees' refusal to serve Ms. Goldstein because of their hostility to and disagreement with her flyer, you have unlawfully discriminated against Ms. Goldstein because of her religion and religious expression within the meaning of the Cook County Human Rights Ordinance and the Illinois Human Rights Act. The public accommodation laws were passed precisely to prevent businesses like Office Depot, who service the general public, from refusing service on the basis of race and other invidious reasons including religion, religious practice, and religious expression. See 1971 Op.Atty.Gen. No. S-349, available at <http://www.illinoisattorneygeneral.gov/opinions/1971/S-349.pdf> (accessed 9-3-2015). The Illinois

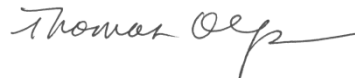
Attorney General there said that "[t]he purpose of the Civil Rights Article [the predecessor to the Illinois Human Rights Act] . . . is . . . to assure to the public free and equal access to all public places of accommodation or amusement." *Id.* at 3. "There is no question that a store which sells merchandise to the general public is covered." *Id.* at 5. Your employees refused to say why they were "uncomfortable" with printing the flyer, but its thoroughly religious nature, coupled with their reluctance to disclose why they wouldn't print it, unmistakably suggests an invidious reason.

We suggest that you consider what your position would be if our client were black and your employees refused service because of her race. In that case it would not be hard to see how unreasonable that refusal of service would be. The public accommodation laws do not give any greater leeway for refusal of service when a customer's religious expression motivates the refusal. The public accommodation laws reflect our country's long tradition, enshrined in our Constitution and in many of our laws, of hospitality to religion and religious expression, which, in its diversity, contributes positively to the public weal. Our laws welcome religion and religious expression, treat it fairly and equally, and do not permit its marginalization or silencing. The public accommodation laws in particular require that businesses servicing the public do so in a fair and equal manner that does not countenance employees picking and choosing whom to serve based on favor or hostility to the customer's religion, religious practice, or religious expression.

We therefore respectfully request that you cease from refusing to provide copying services to Ms. Goldstein, and that you inform the undersigned in writing that you are willing to fulfill the copying order you received from her on August 20, 2015. (Since some time has gone by since Ms. Goldstein entered the order, the flyer needs some adjustment to make it current, so please do not simply copy the attached flyer without getting an updated version from Ms. Goldstein.) Failing to hear from you within 5 business days of this date, we will act to secure Ms. Goldstein's rights before the Cook County Human Rights Commission, the Illinois Department of Human Rights, or other appropriate venue. We do hope this matter can be resolved short of legal action.

Thank you for considering this letter. We will appreciate your prompt reply.

Very Truly Yours



By: Thomas Olp  
Attorney, Thomas More Society



# Quick Facts on Planned Parenthood

- During fiscal year 2013/2014 Planned Parenthood received more than **\$1,400,000 per day** in the **form of government grants, contracts, and Medicaid reimbursements.** \*
- **Taxpayer funding accounts for 41%** of Planned Parenthood's overall revenue. \*
- PP reported more than **\$127,000,000 in excess revenue,** and **more than \$1,400,000,000 in net assets.** \*
- **PP's cancer prevention services are down 17%** over one year. (PP does NOT provide mammograms.) \*
- Planned Parenthood **committed 327, 653 abortions** in 2013. \*
- The **United States is ranked 2nd in the world in number of abortions** each year with over 1,000,000 (China is ranked 1st). \*\*
- There are **9,170 Federally Qualified Health Centers who provide health services** (but NOT abortions) to **low-income populations,** compared to about 700 Planned Parenthood clinics. \*\*

## **Prayer for the Conversion of Planned Parenthood** *Join in prayer and fasting Aug. 22-29*

Lord for whom all things are possible, We are confronted once again today with the evil of the abortion industry and the corruption found in the world's largest abortion business, Planned Parenthood.

Lord, we pray for all who plan to be parents, and we ask your mercy on those who teach others to reject parenthood. In light of your Word, Lord, we affirm today that children are a blessing from you, and that the origin of all parenthood is likewise in You, the God of life and love.

Therefore, Oh God, we stand against the evil that has been exposed in Planned Parenthood and in the entire abortion industry. We stand today for the triumph of truth over falsehood, of light over darkness, and of life over death.

Bring an end to the killing of children in the womb, and bring an end to the sale of their body parts. Bring conversion to all who do this, and enlightenment to all who advocate it.

Close the doors of the death camps in our midst, and open the doors of your mercy and healing! Close the grisly trade in baby body parts. And open the abundant gifts of your salvation and life!

Hasten the day when our land will no longer be stained with innocent blood, and when the bodies of all your children will be raised from the dead and set free forever.

We pray in the name of Jesus the Lord. Amen!

--Rev. Frank Pavone, National Director, Priests for Life  
[www.PriestsForLife.org](http://www.PriestsForLife.org)

- ✓ Seven undercover videos have been released showing **top PP executives discussing the harvesting of aborted babies' organs.**

View them here: [www.centerformedicalprogress.org](http://www.centerformedicalprogress.org)

\*from Planned Parenthood's 2013-2014 Annual Report

\*\* from Lozier Institute, July 2015