

Office DEPOT OfficeMax®

September 11, 2015

Via Facsimile and Regular U.S. Mail

Thomas Olp, Esq.
Thomas More Society
19 S. LaSalle
Suite 603
Chicago, IL 60603

Re: Maria Goldstein

Dear Mr. Olp:

I am an Assistant General Counsel at Office Depot, Inc. (“Office Depot”), and am in receipt of your letter to Roland Smith dated September 10, 2015. Generally, your letter suggests that certain local and state laws require that Office Depot fulfill your client’s order for copies of the Quick Facts on Planned Parenthood flyer. For the reasons set forth below, Office Depot disagrees. In refusing to make such copies, Office Depot acted in accordance with applicable law and internal company policies.

Before discussing the company policy at issue, it is important to note your client was given the option of printing the flyer at one of our in-store, self-service copy machines. She declined that invitation. Moreover, beyond the substance of the flyer, store associates had legitimate copyright concerns that may have constrained their ability to legally copy the embedded Prayer for the Conversion of Planned Parenthood. While it now seems that the prayer is not subject to copyright protection under these circumstances, store associates at the time did not have such information. As I am sure you can understand, Office Depot seeks to copy materials only when doing so is in accordance with applicable copyright laws.

As for the content of the flyer, your letter characterizes it as a document that “expresses [Ms. Goldstein’s] Christian religious convictions.” You also say that it is “religious throughout in tone and content” and “contains a prayer” seeking to end abortion. You do not mention, however, certain language within the prayer that discusses “the killing of children in the womb” and “the grisly trade in baby body parts.” Nor do you address the strong language presumably condemning those who perform or obtain abortions. Indeed, the prayer characterizes those individuals as “evil,” and it advocates for the closure of the “death camps in our midst.” It is this type of language that led to the decision to refuse your client’s copying request.

Consistent with what was relayed by customer service representatives to your client, Office Depot has an internal policy governing the reproduction of certain materials. There are two provisions applicable to this dispute. The first prohibits the copying of “graphic material,” which can include descriptions of dead or dismembered bodies. The second provision prohibits the copying of “hate material” that advocates for the persecution of groups of people, regardless of the reason.

To be clear, Office Depot’s position is that the above-quoted language falls within the definition of “graphic material” and/or “hate material,” making the refusal to print the flyer appropriate. Office Depot’s decision was not based in any part on the fact that the message here is couched in terms of Ms. Goldstein’s religious beliefs. In other words, the language at issue would violate Office Depot’s policy regardless of the content surrounding it. The fact that the flyer was related to your client’s beliefs – whether based in religion or not – did not bear on the decision. Thus, Office Depot’s actions violated no laws.

I am happy to have a discussion with you regarding these or any other issues related to this dispute. I can be reached at 561-438-5081 or robert.amicone@officedepot.com

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert A. Amicone', with a stylized flourish at the end.

Robert A. Amicone*

*Licensed in Ohio and Kentucky; Florida
Authorized House Counsel