

FREEDOM FROM RELIGION *foundation*

P. O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

February 24, 2011

Bob Raspberry, Owner
Freddy's Frozen Custard and Steakburgers
12000 N. Pennsylvania Ave
Oklahoma City, OK 73120-7827

Re: "Church Bulletin" Discount

Dear Mr. Raspberry:

I am writing on behalf of a concerned area resident who alerted the Freedom From Religion Foundation (FFRF) to a serious civil rights concern. FFRF is a nationwide nonprofit organization with over 16,000 supporters, including over 100 members in Oklahoma. Our purpose is to protect the constitutional principle of separation of state and church and to represent the rights and views of nonbelievers.

It is our information and understanding that your restaurant offers a discount to those who bring in a church bulletin from worship services. Our complainant informs us that a sign placed outside the front door reads "10% off with Church Bulletin." Enclosed please find a copy of a photo of the sign outside of your restaurant.

First and foremost, this "church bulletin" discount violates the federal Civil Rights Act. The Civil Rights Act states in relevant part, "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation... without discrimination on the ground of race, color, religion, or national origin." 42 U.S.C. §2000a(a). As a place of "public accommodation," it is illegal for Freddy's to discriminate, or show favoritism, on the basis of religion. *See* 42 U.S.C. §2000a(b)(defining a place of public accommodation as "any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises...")

Secondly, the church bulletin discount violates Oklahoma law. "It is a discriminatory practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a "place of public accommodation" because of race, color, religion, sex, national origin, age, or handicap." 25 Okl.St. Ann. § 1402. Even Oklahoma City Municipal Code provides

language prohibiting discrimination based on religious preferences or practice in public accommodations:

“No person who is the owner, lessee, manager, proprietor, concessionaire, custodian, agent or employee of a place of public accommodation shall because of a person's race, religion, color, creed, sex, ancestry or national origin:

(1) deny or refuse any privilege, facility, goods, merchandise, commodity, or accommodation;

(3) place, post, maintain, or display any written or printed advertisement, notice, or sign to the effect that any of the accommodations, facilities, privileges, goods, or merchandise of the place of public accommodation will or may be refused, withheld from, or denied to any person.” Okla. City, Okla., Mun. Code ch. 25, art. III, § 25-37 (2007).

Freddy's restrictive promotional practice favors religious customers and denies customers who do not attend church, and nonbelievers the right to “full and equal” enjoyment of Freddy's Frozen Custard and Steakburgers. Any promotions should be available to all customers regardless of religious preference or practice on a non-discriminatory basis.

We kindly urge you to discontinue these discriminatory actions by eliminating the discount altogether, or by making the discount available to all members of your community. Please notify us in writing about the steps you are taking to end this violation of federal, state, and municipal law so that we may notify our complainant. Thank you for your time and attention to this matter.

Sincerely,



Rebecca S. Markert
Staff Attorney

Enclosure

10% OFF
WITH CHURCH BULLETIN

Freddy's
FROZEN CUSTARD &
STEAKBURGERS™

DRANK TOP IN
NATIONWIDE

Peeps
in a HAT

DISCOUNT
THE

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