



August 22, 2014

VIA ELECTRONIC
AND U.S. MAIL

Ms. Elizabeth Cavell, Esq.
Freedom From Religion Foundation
P.O. Box 750
Madison, WI 53701

Re: *Bailey's Pizza – Searcy, AR*

Dear Ms. Cavell:

We represent Bailey's Pizza ("Bailey's"), a family-owned pizzeria located in Searcy, Arkansas. We are in receipt of your July 30, 2014 letter to the owner of Bailey's, Stephen Rose. For future reference, please direct all future correspondence regarding this matter to me.

Your "complainant" (whom you have not identified) apparently takes issue with a recent promotion run by Bailey's, in which customers who bring in a church bulletin to the restaurant on Sundays receive a 10% discount on their meal. You maintain that such a promotion violates both federal and Arkansas antidiscrimination laws concerning places of public accommodation.

Notably, your "complainant" does not allege he or she was turned away from Bailey's based on religious beliefs (or lack thereof). Indeed, such an allegation would be very difficult to believe, considering that on the same marquee promoting the church bulletin discount, Bailey's declares "all are loved and welcome."

Bailey's is well aware of, and concerned with its compliance with, all federal and state antidiscrimination laws pertaining to places of public accommodation. Bailey's has always strived to keep in compliance with both federal and state laws, and takes very seriously any allegations of violations of antidiscrimination laws.

Bailey's does not turn any customers away, or provide inferior service to customers who do not hold the same Christian beliefs and worldview as its owner. What Bailey's does do, however, is implement different promotions (such as military discounts, senior discounts, police and firefighter discounts, and Boy Scout discounts) to attract customers to the restaurant.

The church bulletin promotion is not intended to, and does not, discriminate against either the “non-religious” or the “non-Christian.” If an individual who is non-Christian or non-religious wishes to take advantage of the discount offered by Bailey’s, they may do so under the same circumstances as any Christian or other religious person would – i.e., by presenting a church bulletin. How a person might access a church bulletin would be limited only by their ingenuity and desire. Bulletins from multiple churches in Searcy are available online. Bulletins from churches all over the world are likewise available online. Christians and non-Christians alike may print off those bulletins, and bring them to Bailey’s to take advantage of the 10% discount.

The Bailey’s church bulletin promotion is no different than the discount the Arkansas Travelers minor league baseball club is offering at its game this coming Monday, August 25, to individuals who bring in a coupon from the local newspaper, the *Arkansas Democrat-Gazette*. To obtain that discount, a person needs to obtain access to a newspaper, and bring a coupon from that newspaper to the game. The fan does not necessarily need to agree with every (or any) editorial article in that newspaper, or with the content or viewpoints of the advertisements published in that newspaper. But the fan does need to obtain a copy of the newspaper.

The same holds true here. To obtain a 10% discount on their meal, a Bailey’s patron needs to produce a church bulletin. Bailey’s does not require patrons to sign statements of faith, profess faith, or otherwise manifest faith in the God of the Bible or any other deity. They simply need to produce a piece of paper. There is no violation of either federal or state antidiscrimination laws covering public accommodations under these circumstances. *See Silverman v. Hagerstown Suns Baseball Club*, Maryland Commission on Human Relations Case No. 9804-0884 (1998) (finding no violation of public accommodation antidiscrimination laws where ballpark offered discounted tickets to fans who presented church bulletins).

I trust the above is responsive to your concerns and complaints. If it is not, and you elect to pursue legal action, we will defend Bailey’s vehemently in whichever forum you choose to pursue it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse Randolph", with a long horizontal flourish extending to the right.

Jesse E.M. Randolph, Esq.

JER/mlf