

FREEDOM FROM RELIGION *foundation*

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

January 18, 2012

Asuka Hibachi and Buffet
645 President Pl.
Smyrna, TN 37167

Re: Discriminatory Discount

Dear Manager:

I am writing on behalf of a concerned Asuka Hibachi and Buffet customer and members of the Freedom From Religion Foundation (FFRF) to inform you of a serious civil rights concern with an Asuka Hibachi and Buffet promotion. FFRF is a nationwide nonprofit organization with over 17,000 supporters, including over 225 in Tennessee. Our purpose is to educate on nontheism and protect the constitutional principle of separation of church and state.

It is our information and understanding that Asuka Hibachi and Buffet of Smyrna offers and promotes a \$1 discount to customers who bring in a church bulletin on Sunday. Please find a picture of the sign attached. Offering this discount violates the federal Civil Rights Act in addition to provisions of state civil rights statutes.

First, 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 Asuka Hibachi and Buffet 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...") Asuka Hibachi and Buffet'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 Asuka Hibachi and Buffet. Any promotions should be available to all customers regardless of religious preference or practice on a non-discriminatory basis.

Second, offering a special discount to individuals attending Christian worship service or other religious services violates Tennessee Civil Rights Laws. That law says, "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, resort or amusement, as defined in this chapter, on the grounds of race, creed, color, religion, sex, age or national origin." Tennessee Code §4-21-501. The

practice of providing a discount to religious service attendees is a violation of this state law.

We ask that you immediately end this and other discriminatory discounts. Please notify us in writing about the steps you are taking to end this violation of federal and state laws so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,



Stephanie A. Schmitt
Staff Attorney

Enclosure

Sunday Church
Group/Family Specials
December 25th - January 29th
\$1.00 off per Adult with A
Bulletin finger from your Church
Thank You
*cannot be combined with any other special or coupon
*Sunday Lunch only