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BUSINESS

A Charlie Kirk Poster Reignites Debate Over When Businesses Can Refuse Service

When ardent young conservative placed his order at Office Depot, resulting spat ended with free print and fired workers

By [Natasha Khan](#) [Follow](#) and [Lauren Weber](#) [Follow](#)

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A vigil for conservative activist Charlie Kirk was held in Florida earlier this month. PHOTO: DAVE DECKER/ZUMA PRESS

James Asher was preparing for a Charlie Kirk vigil in Kalamazoo, Mich., when he unexpectedly revived a national debate over when businesses or their employees can turn away customers whose views they oppose.

The 21-year-old head of the Kalamazoo Young Republicans was running errands to prepare for a vigil two days after [Kirk's assassination](#). One of Asher's stops was at his local [Office Depot](#) ODP **32.95%** ▲ to print a poster. "The Legendary Charlie Kirk, 1993-2025," it read atop a black-and-white photograph of [the conservative activist](#) whose comments on gender, race and gun control often stoked controversy.

What happened next has now been flagged by Attorney General Pam Bondi as potential grounds for prosecution and raises new questions over what counts as discrimination or freedom of speech in the course of doing business. Staff at the Office Depot refused to print the poster of the late Kirk, calling it propaganda, according to Asher.

After Asher's video of the confrontation went viral, Office Depot fired the employees and issued a public apology. The employees involved couldn't be reached for comment.

The company said that it strives to provide print services to all customers in a fair, consistent and nondiscriminatory manner, and that the Michigan store associates violated company policies by their behavior and decisions.



A worker at FedEx printed a poster of Charlie Kirk free of charge after a customer was denied printing services at an Office Depot store. PHOTO: JAMES ASHER

Such encounters have become the subject of court cases in recent years over the rights of businesses to deny service on the grounds of freedom of expression. In 2023, the Supreme Court decided a case involving a Colorado web designer over a claim that the First Amendment entitled her to refuse commissions for same-sex wedding websites. The court sided with the designer, finding that she was exercising her right to express her views, as protected by the First Amendment.

Bondi said last week that she had asked the Justice Department's civil-rights division to look into Office Depot.

"Businesses cannot discriminate. If you want to go in and print posters with Charlie's pictures on them for a vigil, you have to let them do that," she told Sean Hannity on Fox News, adding: "We can prosecute you for that."

Her remarks about the incident and assertions about prosecuting hate speech, compounded by [other political-speech fallout](#) after Kirk's fatal shooting, sparked concern from some prominent conservatives over free-speech rights.

Office Depot said in an emailed statement that it would reinforce training of staffers in its stores "to ensure our standards of respect, integrity, and customer service are upheld at every location."

Any action against Office Depot or its employees would likely violate the Constitution, some lawyers said. While the First Amendment doesn't prevent private employers from firing workers for expressing themselves, it does prohibit the government from interfering with the right of individuals or companies to express ideas except in very limited circumstances.



James Asher says he believes businesses should be free to operate how they want and sell products to whom they want. PHOTO: JAMES ASHER

And while federal laws prohibit businesses from refusing service to customers because of their skin color, religion or gender, for example, "those laws don't prohibit discrimination on the basis of political belief," said Josh Goodbaum, an attorney with

the Connecticut firm Garrison, Levin-Epstein, Fitzgerald & Pirrotti. Goodbaum clerked for Neil Gorsuch before Gorsuch was elevated to the U.S. Supreme Court.

Asher said he believed businesses should be free to operate how they want and sell products to whom they want—including refusing him service.

“And I also believe customers deserve the right to know where companies stand so they can make a decision if that’s where they want to spend their money,” he added.

Across the country [workers have lost their jobs](#) because of social-media posts deriding some of Kirk’s views or mocking his death. Asher said that while he followed such developments online, he didn’t think he would be one to get someone else fired.

“My heart was really sad, too,” he said of the encounter. “Because it’s just, like, you’ve seen all of these other situations where people are getting fired for saying things, but I wasn’t expecting it to actually happen to me.”

After being denied service at Office Depot that Friday, Asher got a friend to go to a nearby [FedEx](#) store. When employees there heard about what happened, the store printed the vigil poster for free, he said. FedEx didn’t reply to a request for comment.

Last Monday, Asher was in the area and returned to the Office Depot. The manager, who hadn’t been at work the day of the confrontation, apologized and offered to print something for free, Asher said. He asked for a photograph of Kirk with the words: “This is the Turning Point,” a nod to the name of the organization Kirk had founded.

Asher said he plans to go back to Office Depot in the future. “I just don’t know if I’ll go back to that one,” he said.

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