

‘Chick-fil-A’ Soldier Battles Back After Army Forces Retirement

Military-Veterans Advocacy filed suit Aug. 1 in the U.S. Court of Federal Claims on behalf of Master Sgt. Nathan A. Sommers, U.S. Army, who became famous last fall as the “Chick-fil-A” soldier for serving Chick-fil-A sandwiches at his promotion ceremony in honor of the repeal of “Don’t Ask Don’t Tell.”

Sommers, a decorated member of the U.S. Army Band Chorus, (Perishing’s Own) had drawn the ire of superiors because of his religious belief that the homosexual act is a sin.

Sommers first ran afoul of his superiors when he affixed a “NOBAMA” bumper sticker to his private automobile. Although political bumper stickers are allowed by Department of Defense regulations, Sommers was formally counseled and threatened with prosecution under the “Hatch Act.” Notably, the Hatch Act does not apply to military personnel.

The Army took no action against those soldiers with pro-Obama bumper stickers. A soldier who attained the top score on a physical fitness test was allowed to park in the Commanding Colonel’s parking space sporting a bumper sticker that supported the president with no career repercussions.

Sommers was also criticized for reading books by Sean Hannity, David Limbaugh and Mark Levin, while waiting backstage until it was time for him to perform. Other soldiers were allowed to read books by left-leaning authors with no comment.

Although Sommers had a sterling career up to this point, he found himself the victim of trumped-up charges at non-judicial punishment and was given a sub-standard evaluation. The

evaluation triggered a review by the Army's Quality Management Panel (QMP).

Although the evaluation was still under appeal, the QMP ordered him discharged as of July 31. Since the 25-year veteran had sufficient time to retire, he was allowed to do so. The lawsuit was filed the next day.

Military-Veterans Advocacy Executive Director John B. Wells, a retired Navy commander, called Sommers a "true hero" who lost his career while trying to stand up for his religious beliefs. Wells noted, "Congress has enacted laws to protect the free expression of religious beliefs in the armed forces. The Army Band broke those laws, and they will be held accountable."

The suit notes that the Army Band and its commander violated the Constitution and laws of the United States concerning religious expression as well as DOD policy concerning authorized political expression.

"Just because someone joins the military," Wells said, "they do not give up their rights as a citizen. The Supreme Court, the Congress and the Department of Defense itself have repeatedly recognized this. Unfortunately, in this world of political correctness, some commanders believe they can force their will on subordinates. That is especially true in cases such as this, where the commander has no real operation or combat experience."

The 2013 and 2014 National Defense Authorization Acts adopted specific protections for members of the armed forces. The Department of Defense incorporated the congressional action into their regulations in January.

"Those who protect our rights must be allowed to exercise them," Wells continued. "Master Sgt. Sommers did nothing to interfere with good order and discipline. He was the perfect soldier. The actions taken against him were pure reprisal. The Army Band has betrayed the core principles of the United

States Army. I am certain than General 'Black Jack' Pershing, a true leader, is spinning in his grave at the actions taken by the organization that bears his name."

Wells, who served for 22 years as a surface-warfare officer in the U.S. Navy before becoming an attorney practicing military and veterans' law has been a frequent critic of political correctness in the military.

"The social engineering, so called diversity and the lack of leadership is undermining our military readiness," he said. "More and more heroes are leaving or being forced to the curb, and their places are being taken by those who have little if any true leadership experience. Soon we will be unable to react to threats from abroad, even assuming we had the political will to do so."

The lawsuit calls for Sommers to be returned to active duty with full pay and benefits, removal of the adverse fitness evaluation and other adverse materials.