



Written by [Raven Clabough](#) on July 26, 2012

Cities Threaten to Violate Chick-fil-A Owners' Rights

Chick-fil-A has been enduring the wrath of the pro-gay community recently because of the company's Christian stance on same-sex "marriage." However, what was once a conflict of ideologies is now becoming an issue of constitutional rights, as city officials are attempting to [block](#) efforts to open Chick-fil-A restaurants.

The issue began when Chick fil-A's president Dan Cathy said he supported the traditional definition of marriage as an institution between a man and a woman, and warned that redefining marriage could potentially incur God's wrath.



Cathy told online Baptist Press that the company supported the traditional definition of marriage. "Guilty as charged," he said. "We are very much supportive of the family — the biblical definition of the family unit. We are a family-owned business, a family-led business, and we are married to our first wives. We give God thanks for that."

During a July 16 interview on the *Ken Coleman Show*, Cathy went on to imply that efforts to redefine marriage could provoke God's wrath. "I think we are inviting God's judgment on our nation when we shake our fist at him and say, 'We know better than you as to what constitutes a marriage,'" Cathy said. "I pray God's mercy on our generation that has such a prideful, arrogant attitude to think that we would have the audacity to try to redefine what marriage is all about."

On July 20, Boston Mayor Thomas Menino indicated that Chick-fil-A will find it "very difficult" to obtain licenses for a restaurant in his city, but he backed away from that assertion. He later told the *Boston Herald*, "I can't do that. That would be interference to his rights to go there."

Chicago is the latest city to tell Chick-fil-A that it is not welcome. Chicago Mayor Rahm Emanuel said July 25 he would support Alderman Proco Moreno's announcement that he would block construction of the restaurant in his district. Moreno said, "If you are discriminating against a segment of the community, I don't want you in the First Ward." Emanuel has articulated similar sentiments. He said, "Chick-fil-A values are not Chicago values. They disrespect our fellow neighbors and residents."

But according to [legal experts](#), barring construction of Chick-fil-A because the owners oppose gay marriage is a clear case of discrimination. "The government can regulate discrimination in employment or against customers, but what the government cannot do is to punish someone for their words," said Adam Schwartz, senior attorney for the American Civil Liberties Union of Illinois. "When an alderman refuses to allow a business to open because its owner has expressed a viewpoint the government disagrees with, the government is practicing viewpoint discrimination."

Schwartz noted that even the American Civil Liberties Union, which is known for its pro-gay "marriage" position, recognizes that the government cannot exclude a business simply because it has taken a stance against gay "marriage." Such a policy could be a slippery slope and could then be used against



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businesses that support gay “marriage.” Though the ACLU supports gay “marriage,” “we also support the First Amendment,” Shwartz said. “We don’t think the government should exclude Chick-fil-A because of the anti-LGBT message. We believe this is clear cut.”

Jonathan Turley, a professor at the George Washington University Law School, said Moreno’s intentions raises “serious” constitutional concerns. “It’s also a very slippery slope,” Turley told FoxNews.com. “If a City Council started to punish companies because of the viewpoints of their chief operating officers, that would become a very long list of banned companies.” Turley said that Moreno’s actions could be “excessive and likely unconstitutional.”

Wilson Huhn of the Constitutional Law Center at the University of Akron School of Law drew the same conclusion: Denying Chick-fil-A permission from building a second restaurant in Chicago’s Logan Square neighborhood would “absolutely” be a violation of the constitutional rights of the company’s owners. “It would be an open and shut case,” Huhn said. “You can’t do that. They cannot be denied a zoning permit based upon the viewpoint of their CEO.”

Perhaps recognizing the violation of Chick-fil-A’s First Amendment rights, Emanuel’s spokeswoman, Sarah Hamilton, has attempted to defend Emanuel’s statements. “He did not say that he would block or play any role in the company opening a new restaurant here,” Hamilton said in a statement to FoxNews.com. “If they meet all the usual requirements, then they can open their restaurant, but their values aren’t reflective of our city.”

Moreno also attempted to back away from his statement, asserting that his issue with the opening of a second Chick-fil-A in Chicago rested on “traffic concerns.” But when pressed by Fox News, he admitted that Chick-fil-A’s stance on marriage was a factor. “No, I’m not saying that, I’m not walking back about from that,” Moreno said when asked if his objection to the restaurant has nothing to do with Cathy’s beliefs. “That’s another part of it.... I think businesses should be neutral on that. They should be selling chicken.”

In addition to remarks made by city officials, Chick-fil-A restaurants across the country are being bombarded by protests conducted by advocates of same-sex “marriage.” For example, KNBC-TV reports that young people from the Orange County Gay and Lesbian Community Services Center [interrupted](#) the grand opening of the Laguna Hills Chick-fil-A restaurant.

Despite the massive controversy and staged demonstrations against Chick-fil-A following its statements on marriage, there is no evidence that Chick-fil-A has ever discriminated against gay couples, nor any of its customers or employees. It appears that the company is simply being bullied because it maintains a philosophy that differs from certain city officials and residents.

In support of Chick-fil-A, evangelist Billy Graham issued a statement on July 26 that reads, “Each generation faces different issues and challenges, but our standard must always be measured by God’s word. I appreciate the Cathy family’s public support for God’s definition of marriage.”

Photo of Chick-fil-A restaurant: AP Images



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