



Written by [Bob Adelman](#) on August 10, 2023

Court Demands Lawyers Attend “Training on Religious Freedom”

[In a remarkable ruling issued on Tuesday](#), a Trump-nominated judge not only ordered Southwest Airlines to issue a corrected statement to its employees, but required its three attorneys to take a remedial course in religious freedom.

[The airline had discriminated](#) against one of its flight attendants, Charlene Carter, back in 2017, for her anti-abortion views. She sued — and won. The initial amount awarded was more than \$5 million; that was later reduced to \$800,000.

In that ruling, U.S. District Judge Brantley Starr demanded that Southwest issue a statement to its employees that the airline failed to follow federal protections under [Title VII](#) and iterate that the airline would be following those protections in the future.

Instead, the airline, through its three attorneys, twisted the court’s demands to make it sound as if the airline had won, that its employee policy against “bullying” and “harassment” had been upheld, and that all employees were to follow those guidelines that had just cost the airline \$800,000.

It twisted the court’s demand that it inform the airlines’ employees that it “*may not discriminate*” against them for their religious practices and beliefs. After going through the lawyers’ legal blender, that statement was changed to read: “The court ordered us to inform you that Southwest *does not discriminate* against our employees for their religious practices and beliefs,” while eliminating any reference to the federal protections provided under Title VII. [Emphases added.]

Defiant to the last, Southwest [appealed the ruling](#) the next day.

Starr wrote:

Southwest has long harbored the view ... that its policies on civility trump federal laws like Title VII....

Southwest needs to understand ... that federal protections for religious freedom override any company civility policy. The rule of law and the republican form of government guarantee no less.



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He ruled that Southwest’s “disregard of [his] ruling was willful,” adding:

The Court sought to inform flight attendants of Southwest’s prior discrimination—by having Southwest provide the jury verdict and the Court’s judgment—and inform flight attendants of Title VII’s prohibition on Southwest’s future discrimination.

But Southwest did effectively the opposite. It warranted that it does not discriminate against its flight attendants and then implied ... that it may, in fact, discriminate against its flight attendants in the future if they are uncivil in its opinion.

That language obfuscated the fact of Southwest’s prior discrimination and utterly failed to convey Title VII’s prohibition.

In a word, Southwest stymied Title VII’s policies with [the flight attendant, Charlene Carter] and continues to do so now.

The Court must remedy that.

The judge did that, first, by providing the corrective language that Southwest must send to its employees:

Under Title VII, Southwest may not discriminate against Southwest flight attendants for their religious practices and beliefs, including—but not limited to—those expressed on social media and those concerning abortion.

He then took the remarkable step of finding that the lawyers representing the airline — Kerrie Forbes, Kevin Minchey, and Chris Maberry — “did not *evade* the Court’s order ... [they] *inverted* the Court’s order.” (Emphasis in original.)

He wrote:

Forbes, Minchey, and Maberry were at the root of the problem.

Accordingly, the Court directs Southwest to send those individuals to religious-liberty training in the hopes that, on round two, that training will coerce compliance with (instead of the continued undermining of) the Court’s orders in this case....

That training shall be conducted by ADF [Alliance Defending Freedom] at a time set by ADF, it shall last a minimum of 8 hours of instructional time, and it must be completed by August 28, 2023.

Southwest must transport ADF’s representative to Dallas and be responsible for any food, accommodation, or other travel expenses for ADF’s representative.

A representative of ADF said they would be “only too glad to help” with that training.

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