



Written by [Bob Adelman](#) on December 9, 2022

Southwest Airlines Unrepentant, Vows to Appeal Judgment in Free-speech Case

In his ruling this week, U.S. District Court Judge Brantley Starr [slammed Southwest Airlines](#): “Bags fly free with Southwest. But free speech didn’t fly at all with Southwest in this case.”

This “case” goes back to 2017, when flight attendant Charlene Carter protested her union spending her dues to transport union officials to Washington, D.C., to attend a pro-abortion march. This conflicted greatly with her Christian views of the sanctity of life, and she expressed herself on Facebook and via emails.



Jonathan Payne/Wikimedia Commons

In February 2017, she posted a video of an aborted fetus on her Facebook page along with this: “WARNING, this is VERY GRAPHIC!! I want my tax dollars to STOP funding this ... PERIOD!!!! This is MURDER.”

A week later she sent four Facebook messages to the head of the Transportation Workers Union of America (TWU), Audrey Stone. The messages included two videos of aborted fetuses, adding “This is what you supported during your paid leave with other [union members] at the Women’s March in D.C.... You truly are despicable.... By the way, [your] recall is going to happen.”

Carter, who began working for Southwest in 1996, opted out of the union in 2013 when she learned how actions of the union were violating her most cherished and deeply held Christian beliefs and principles. But she was forced to continue to pay dues to the union to keep her job.

The company brought her in for questioning over her social media posts, and a week later fired her.

Five years later, with the legal assistance of the National Right to Work Foundation, she filed suit, claiming the airline had violated her First Amendment right to free speech. In July, a federal court ruled in her favor, demanding that the airline and the union pay her more than \$5 million in damages.

Carter celebrated:

Today is a victory for freedom of speech and religious beliefs. Flight attendants should have a voice and nobody should be able to retaliate against a flight attendant for engaging in protected speech against her union.

I am so humbled and thankful for today’s decision and for everyone who’s supported me these past five years, including the National Right to Work Foundation.

Her celebration was premature. In December, her award was reduced to \$810,000 thanks to caps and other limitations on damages allowed by law.

But the judge ordered Southwest and the union to announce via email to every union member the



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results of July's ruling against them. He also forbade both the company and the union "from discriminating against Southwest flight attendants for their religious practices and beliefs, including — but not limited to — those expressed on social media and those concerning abortion."

Mark Mix, the president of the National Right to Work Foundation, celebrated the court's ruling but added a warning:

Southwest and TWU union officials made Ms. Carter pay an unconscionable price just because she decided to speak out against the political activities of union officials in accordance with her deeply held religious beliefs.

This decision vindicates Ms. Carter's rights — but it's also a stark reminder of the retribution that union officials will mete out against employees who refuse to toe the union line.

Arielle Del Turco, assistant director of the Center for Religious Liberty at the Family Research Council, issued a similar note of celebration and caution:

It's sad that Southwest Airlines had to be told by a court that someone's exercise of free speech is not an acceptable reason to fire them.

The reality is that we live in a society that is increasingly intolerant of Christian perspectives. Carter's win is a powerful declaration affirming First Amendment protections for those working in major corporations who don't want to check their faith at the door.

The fight isn't over. The company, which complained that Carter violated company policy over her posts as they implicated her as an employee of Southwest, was only too happy to let company banners and supporters march in the pro-abortion march back in 2017.

Accordingly, Southwest has vowed to continue the fight and announced its intention to file an appeal with the 5th Circuit Court of Appeals.

Free speech isn't free. Rights not exercised are often lost. The freedom fight is never over. Our appreciation goes out to Ms. Carter for standing tall and soldiering on in the face of opposition, oppression, and criticism. She stands for all who support the right of every citizen to speak in public without fear of sanction or punishment.



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