



FACEBOOK FIREFIGHTERS AND FREE SPEECH *WHEN A POST GETS YOU FIRED ILLEGALLY*

Melton v. City of Forrest City
No. 23-3398 (8th Cir. Aug. 13, 2025)

An appellate court recently tackled a high-stakes First Amendment case involving a firefighter, a Facebook post, and a firing that went too far.

In *Melton v. City of Forrest City*, the appellate court decided a case involving a firefighter's right to free speech.

Steven Melton was a firefighter for the City of Forrest City, Arkansas. He is also a pro-life evangelical Christian. In June 2020, during a time of intense national debate, Melton posted a black-and-white image on his personal Facebook page. The image depicted a baby in the womb with a rope around its neck. Melton intended it as a graphic anti-abortion message. However, a retired fire department supervisor believed the image depicted a noose around the neck of a Black child—connecting it to the George Floyd protests happening around that time. He contacted Melton to express his concerns. Shortly after, the City's mayor placed Melton on administrative leave and then fired him after a brief investigation. The stated reasons? The image was "egregious" and had created the "huge firestorm" it created.

Melton sued, claiming he was fired in retaliation for exercising his First Amendment rights. The trial court agreed with him and the City appealed.

The appellate court was asked to decide whether Melton's termination for posting the image on his personal Facebook page constituted a violation of his First Amendment rights, specifically whether his speech was protected.

In order to do so, the appellate court had to decide if Melton was speaking as a private citizen on a matter of public concern when he posted the image at issue on his personal social media page and if, was the speech protected? The answer: Yes.

Here is why: Melton posted the image on his **personal** Facebook page, not a Department account, not on duty, not speaking for the City. The message touched on abortion and race, undeniably political and social issues of public importance.

The City argued the post could damage operations and working relationships. The court did not agree. There was no evidence that the post actually disrupted the fire department or harmed internal relationships.

A government employer does not get automatic deference just by claiming speech might cause disruption. Vague fears and conclusory statements are not enough. There has to be real, concrete impact.

Takeaway

Public employees do not lose their First Amendment rights just because their speech is controversial or unpopular. When they speak as citizens on matters of public concern, the government must show more than discomfort or potential backlash to justify discipline.

In this case, firing a firefighter over a personal Facebook post crossed a constitutional line.

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