

Elizabeth Anderson, John Dewey Distinguished University Professor of Philosophy

**Testimony:** HB1356 Maryland Employee Civic Activity and Legal Expression Protection Act

**Committee:** Government, Labor, and Elections

**Hearing Date:** March 5, 2026

**Position:** Favorable

Chair Wells, Vice Chair Kerr, and Members of the House Government, Labor, and Operations Committee:

I am Professor of Philosophy and (by courtesy) Professor of Law at the University of Michigan, Ann Arbor. I am a political philosopher who studies democracy and issues concerning work, workers, and employment.

HB1356 protects workers from being coerced by their employers to engage in political speech or activity. It also protects workers from adverse actions by their employers for their lawful off-duty political speech and activity, when their conduct is irrelevant to their job. Employees and employers have a mutual interest in the passage of this bill. This bill also protects the public interest in sustaining a vibrant democracy in Maryland.

Employees should not have to choose between exercising their political rights and being able to keep their jobs. Employers need authority over their employees with respect to their job performance. But workers are not vassals to their employers. When they are off duty, they are entitled to political independence. They do not owe loyalty to their employers' or anyone else's political views.

Yet many people have been fired for legal, off-duty political speech or activity that others dislike. Workers have been fired for defending J. K. Rowling's opposition to trans rights, opposing DEI measures, sharing a comedy sketch regarded as anti-Muslim, protesting Israel's conduct in the Gaza war, implying that Black Lives Matter protests could be self-defeating, and criticizing Charlie Kirk after his assassination. As this very partial list indicates, workers across the political spectrum are vulnerable to adverse employer action for their lawful speech and political activity. One third of workers worry that if they express their political views, they could lose job opportunities.<sup>1</sup> An earlier survey found that one quarter had been pressured by employers to support particular political causes.<sup>2</sup>

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<sup>1</sup> Emily Ekins, "Poll: 62% of Americans Say They Have Political Views They're Afraid to Share," Cato Institute 22 July 2020: <https://www.cato.org/survey-reports/poll-62-americans-say-they-have-political-views-theyre-afraid-share>.

<sup>2</sup> Alexander Hertel-Fernandez, "Employer Political Coercion: A Growing Threat," *The American Prospect* 23 Nov 2015: <http://prospect.org/article/employer-political-coercion-growing-threat>.

Employers, too, have a stake in HB1356. The law would shield them from public pressure to fire capable employees for their political views. By tying their hands, the law would protect employers from reputational damage for their employees' political speech or actions. It would quell divisive pressure from employees to fire co-workers whose views they dislike. Under this law, employers would retain the authority to regulate employee speech that is relevant to their job. Overall, this law would enable employers to focus on running their firm rather than having to waste their firm's time and attention on polarizing political controversies.

The people of Maryland have a strong interest in this law. A flourishing democracy depends on the freedom of people from all walks of life and different perspectives to freely speak their minds. I can't say it any better than John Dewey, the most important democratic theorist from the late 19th century through World War II, and the philosopher after whom my professional title is named. In 1939, after the war had begun, he wrote a short speech, "Creative Democracy: The Task before Us."<sup>3</sup> He argued that democracy as a way of life requires taking conflict "out of the atmosphere and medium of force . . . into that of discussion." Faith in democracy "is faith in the possibility of conducting disputes, controversies and conflicts as cooperative undertakings in which both parties learn by giving the other a chance to express itself, instead of having one party conquer by forceful suppression of the other." HB1356 promotes that vision of democracy by freeing employees and employers alike from coercive pressures to suppress workers' voices.

I encourage you to support this bill.

Sincerely,

Elizabeth Anderson

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<sup>3</sup> [https://chipbruce.net/wp-content/uploads/2008/11/dewey\\_creative\\_dem.pdf](https://chipbruce.net/wp-content/uploads/2008/11/dewey_creative_dem.pdf)