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# Can Companies Fire Trump Supporters?

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A small business in New Mexico recently made headlines by suggesting it doesn't want employees who support President-elect Donald Trump. Can private businesses fire employees because of their political preferences? Employment lawyers say it depends, but would advise against it.

Mathew Blanchfield, the CEO of 1st In SEO, [posted on the company's website](#) earlier this month that the company wants nothing to do with registered Republicans or Trump supporters. "If you are a Republican, voted for Donald Trump or support Donald Trump, in any manner, you are not welcome at 1st In SEO and we ask you to leave our firm," Blanchfield wrote. "1st In SEO will do everything in our power to ensure that we break ties with any person or business that supports Fascism."

It's clear that Blanchfield doesn't want pro-Trump clients. One could also interpret Blanchfield's statement as a threat to fire workers for supporting Trump. If he were to do that, he'd probably be violating a New Mexico state law, according to [a blog post](#) from law professor Eugene Volokh. He points out that New Mexico enacted a criminal statute that says employers cannot coerce employees by firing or threatening to fire them because of political opinions or the intention to vote a certain way.

Meanwhile in some states, laws protecting what employees do when off-duty would likely come into play, points out Christina Stoneburner, an employment lawyer at Fox Rothschild. "Some states, like New York and Colorado, have laws that prohibit employers from terminating employees because they engage in legal activities off work time or off the employer's premises," she says. "But if an employee is in the workplace and is spouting off pro-Trump messages, then those off-duty laws don't apply."

But in the absence of state laws like these, private businesses are often free to discriminate against employees based on political affiliation. The First Amendment only applies to government actors, so private employers don't have to respect free speech rights. And while state and federal civil rights laws prohibit employment discrimination based on characteristics like race and gender, political affiliation is a different story. "A few states and territories, like Washington, D.C., do protect [political affiliation]," says Richard Cohen, a New York-based attorney at the firm FisherBroyles. "But for the most part, it is not a protected class with private employers."

Beyond the legal considerations, there's also the business perspective to think about, says Stoneburner. "This is something that is likely to get far more public opinion backlash than legal

backlash," she says. "I would have counseled that you couch it more in terms of we don't tolerate [certain things] or support them."

And there's certainly a better way to convey the message, says Cohen. "If the purpose is to create zero tolerance for things like sexism or racism...it would be more prudent to just put out a zero tolerance policy for the workplace, vendors or clients to say we will not tolerate misogyny, racism, sexism or whatever and not single out voters based on their political preferences."

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