



Another Benefit from Citizens United: Political Letters from Companies to Employees

by George Scoville - Tue, 10/30/2012

Last Friday, former FEC commissioner and chairman of the Alexandria, Virginia-based [Center for Competitive Politics](#) Brad Smith published [an editorial](#) in the *Wall Street Journal* on Koch Industries*** sending its employees letters about the upcoming presidential and congressional elections, and left-wing hysteria over those letters. Smith does a great job demonstrating why these types of corporate communications are good for employees:

A report released this week by the Business Industry Political Action Committee (Bipac) found that employees ranked their employer's website as the most credible source of political information on the Internet, more than media sites or parties and candidates. Over 75% of the more than 500 respondents from a variety of industries indicated that employer-provided information was useful in deciding how to vote, and over a quarter said it made them more likely to vote.

This comes on top of past Bipac research showing that 47% of employees said that employer-provided information had "somewhat" or "strongly" increased their awareness of how various policy proposals affected their employers.

It should come as no surprise that employees want to know how government policies will affect their employers, and by extension their jobs. One might even argue that business leaders have an obligation to share with employees credible, accurate information on how public policies might affect the company.

For my part, [I noted the rank hypocrisy](#) in the political left's selective outrage, noting that labor unions use extortion and intimidation to make sure rank-and-file members vote for the candidate of leadership's choice:

The left's war on political communication it deems unfavorable to its own ends and aims is well-documented, but the irony here is particularly delicious: America's labor unions, large supporters of the Democratic Party, tell their members how to vote in nearly every election — including their own leadership elections — and often use [extortion](#) and/or [intimidation](#) to make sure people kowtow to the message du jour. I always loved [this old Americans for Tax Reform microsite](#) explaining “card-check,” or the Employee Free Choice Act, that had nothing to do with either freedom or choice, through a clickable flash game.

I received an email arguing that we know why these types of communications are a good thing, but what we need is a piece explaining why they're legal. Indeed, as Smith noted in his *Journal* editorial, “In a June conference call with small business owners organized by the National Federation of Independent Business, Mr. Romney pointed out that it was perfectly legal for them to talk to their employees.”

Libertarians should be wary of the kind of thinking that assumes government and public policy exist to confer the blessing of legality on otherwise fundamentally human and civil interactions, so I don't think it's necessarily the case that anything “makes” these particular corporate letters to employees legal. Rather, in *Citizens United v. FEC*, the Supreme Court affirmed the First Amendment rights of people — even those freely associated with each other in a corporate structure — to make independent expenditures on behalf of candidate campaigns. Prior to *Citizens United*, the government enjoined corporations from sending these letters to employees unless the company sent them from a corporate PAC (or they could choose to be censored altogether, and send no communications at all). But due to size constraints and participation rates in corporate PAC giving, requiring companies to communicate this way placed an undue burden on political speech.

The Court's ruling in *Citizens United* stripped away these requirements — so again, it's not that anything makes company letters about politics to its employees legal; it's that *Citizens United* recognized that it is illegal (unconstitutional) for the government to censor these letters or otherwise burden the free exchange of political information.

Check out [my post at The Dangerous Servant](#) to see some of Brad Smith's recent [LearnLiberty](#) videos on the First Amendment, the FEC, and the role of money in politics. [Visit the Center for Competitive Politics](#) to learn more about them and to view some of their great work.

***** Disclosure:** *From July 2010 to June 2011 I was an employee of the Cato Institute, a libertarian think tank in Washington, DC that was founded in part by David Koch. However, as I note in [the Disclaimer page](#) on my site, I do not receive money for publishing anything on that site or this site. I am also unfamiliar with the level of support David Koch still provides Cato, if he provides support still at all, or with the level of support he gave when I was an employee there, if he provided support during that time at all. [I also spoke at the Americans for Prosperity Foundation's 2011 RightOnline conference](#), and it is my understanding that the Kochs are AFP benefactors. I did not, however, receive compensation for my talk. But these little contrived disclosure statements seem to be fashionable, so there you have it.*