



**Senator Peter Welch
Opening Remarks as Delivered
Senate Judiciary Subcommittee on the Constitution Hearing
“The Censorship Industrial Complex”
March 25, 2025**

Thank you very much, Mr. Chairman. I'm delighted to be your Ranking Member on this committee I'm delighted to be your colleague in the Senate—in the same class—and delighted to serve with you on the Judiciary Committee. And welcome Senator Durbin.

I'm totally with you on the First Amendment and the central role it plays in the well-being of this nation. It was such a radical concept in 1791. I mean, it's hard to imagine that at a time when kings were the law, we had a republic that protected our fundamental freedoms to religion, to speech, to assembly; the right to petition the government, and to have free press that could operate without any fear of government censorship.

So, we have agreement on that, and we're going to have a discussion about how that's playing out at this moment in our history. That First Amendment does reflect our Founding Fathers' view—and I think my view, and frankly yours, Mr. Chairman—that we can't have a society where individuals [can't] freely voice their views. And that First Amendment protection is a bedrock that allows folks to do that.

I have some—you have some questions about the 'deep dark state.' We're going to go through those. I have some factual disputes with you that will come out. I have some concerns about some of the actions that the current administration is taking and how it impacts on First Amendment rights and constitutional protections.

You know, should an Associated Press reporter be removed from parts of the White House press pool because they won't adopt the name that the President prefers for the Gulf of Mexico/America? Should news organizations that provide negative coverage of a political person, including a President to be called illegal? Should a newspaper be sued—especially these days when the finances of newspapers are so precarious—because a candidate did not like the poll results that were published in that newspaper?

These are extraordinarily significant events that creates a real suppression, in my view, of free speech. Should law firms be brought to heel because they defended somebody with whom a President disagrees? These are examples that do raise

questions about free expression in this country, and those are things that I'd like to discuss with our witnesses today.

But on this question of the 'censorship industrial complex,' the basic allegation here, as I understand it, is that there is government facilitated interference with free speech. And we're going to hear from the witnesses on that. But the underling premise of this, as I understand it, is the taxpayers are essentially footing the bill for this. My view is that facts don't support that allegation.

Take, for instance, NewsGuard. That provides transparency and reliability ratings so that advertisers can make informed decisions about where to spend their money. And we can have a big debate about whether their judgments are right or they're wrong. But, I understand that the organization only received a few very small federal grants to do specific things in the main work that they did. And those grants, by the way, came from the Trump Administration back in 2020, to track and warn of Russian, Chinese, and Iranian disinformation that is targeting Americans.

Which is, by the way, a really fundamentally important distinction. The speech of Americans is protected. Does that mean that we want to protect literally foreign actor efforts to undermine the rights of Americans to make their own decisions about who will be their leaders?

Another allegation that is part of this is that the Twitter files released by Elon Musk— some claims were that the Twitter files show that the government censored 22 million tweets. I have a factual dispute with that. They argue that because the government provided funding to institutions that studied election disinformation, and because the institutions flagged social media posts with disinformation for companies, these institutions were part of a government conspiracy to suppress speech.

In my view, those arguments are simply not based on the facts. In reality, the government funding was not to track and report social media activity. It was to help counter foreign disinformation. And only 2,980 tweets were actually reported to Twitter because they did appear to violate Twitter's terms of service—Twitter's own terms of service. So, the Twitter file support is overcounted by nearly 22 million tweets.

And, of course, last year, the Supreme Court rejected the allegation that government had unconstitutionally censored conservatives by pressuring social media companies to take down posts. That was a 6-3 decision by Judge Amy Coney Barrett that found no merits to the claims. Judge Barrett wrote: "It's therefore difficult to say that the White House was responsible, even in part."

So, Mr. Chairman, although we agree that government should not infringe on free speech—I am with you on that and with all of my colleagues here—I don't believe that's what has been happening here.

Finally, just on a matter of privilege as the Ranking Member, I hope as our Committee does its work this year, we focus on other aspects of the Constitution, including the separation of powers. You know, as Members of Congress, it's up to us to

decide whether we're ever going to cede our authority to the Executive Branch. And while this is not the focus of the hearing, I want to express to my colleagues that I am concerned about executive overreach.

During the first week in office, the new administration's Office of Management and Budget imposed a freeze on all federal grants and other financial assistance—that is reminiscent of the impoundment action that President Nixon took, which was found to be unconstitutional.

Congress seems on the brink of ceding that authority to the President in the recent CR. 17 inspector generals were fired without notifying Congress. That's in direct contravention of the clear language of the law. Two Democratic Commissioners on the Federal Trade Commission—that's an independent agency—were removed. And that is true for other agencies as well.

And can a President dismantle a department like the Department of Education? Whatever your views are about that department, when it was created by Congress—can the President do that, any President, unilaterally? My view is, no. It is a ceding of Congressional authority where what we do is give up our legislative prerogative and therefore, take away one of the checks in the checks and balances system that we have as government.

So, my hope is that over the next two years we'll have a chance to look at your concerns on the First Amendment, which I share, but also other essential constitutional structures like the checks and balances system that has benefited us all. Thank you.

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