



Written Testimony of

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Before the

**Congress of the United States
House of Representatives
Committee on the Judiciary**

Regarding

“The Censorship-Industrial Complex”

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Introduction

My name is Craig Aaron. I am the president and CEO of Free Press and Free Press Action — nonprofit, nonpartisan, public-interest organizations focused on issues at the intersection of media, technology and democracy.¹

Thank you Chairman Jordan and Ranking Member Raskin for inviting me to appear today at this hearing on the “Censorship-Industrial Complex.” Thank you also to the committee staff for their effort in putting together this hearing.

Given the topic and witnesses for this hearing, I want to clarify upfront that my interrelated organizations, Free Press and Free Press Action, were started in 2003 to advocate on media policy. Free Press and Free Press Action should not be confused with *The Free Press*, a substack publication launched by journalist Bari Weiss after she departed the New York Times in 2020 and which played a role in reporting on the so-called Twitter Files.²

To my understanding, this is a hearing motivated by concerns over free speech, censorship, government interference in the activities of private companies, and the power and sway over our public discourse held by billionaires who control so much of the media system.

I share these concerns, and I worry in particular about the dangers of *government censorship* — which is what the First Amendment protects us against. That’s the meaning of censorship: government action to chill or punish speech and reporting that the government disfavors. It’s simply not censorship when private companies and individuals choose not to amplify or even listen to viewpoints they don’t like.

¹ See Free Press About Page (<https://www.freepress.net/about>) and Free Press Action About Page (<https://www.freepressaction.org/about-us>). Free Press is a 501(c)(3) organization, while Free Press Action is a separate, autonomous and interrelated 501(c)(4) advocacy organization.

² See Edmund Lee, *Bari Weiss Resigns from New York Times Opinion Post*, New York Times (July 14, 2020); Bari Weiss, *Our Reporting at Twitter*, The Free Press (December 15, 2022).

I also have serious qualms about algorithmic discrimination, wielded by powerful global platforms and applications to push a partisan agenda or spread hateful rhetoric. I am alarmed by growing evidence of collusion between government officials and the executives of our most powerful media companies. I fear too for the independent journalists and whistleblowers being attacked, harassed, doxxed and muzzled for asking hard questions and simply reporting the facts.

However, I don't understand why we are spending so much time looking in the rearview mirror at claims about the Biden administration or the company that used to be called Twitter, especially as those claims have been addressed, resolved, debunked or thrown out of court.³

Because right now we are facing a true free speech emergency.

Musk's Dangerous Tech-over

In just the first three weeks of the Trump administration, shocking and previously unthinkable examples of the dangers of an actual "censorship-industrial complex" have emerged, with an onslaught of new outrages happening daily.

While a company named "Twitter" no longer exists, Elon Musk — the man who spent billions to take over and rebrand that social-media platform as "X" — is currently embedded inside the federal government. He is attempting to tear down vital institutions, sabotage essential programs against which he harbors personal vendettas, destroy longstanding safeguards protecting people's vital private information, evade basic government processes, and terrify nonpartisan civil servants with threats to their independence and their livelihoods.⁴

³ See David French, *Elon Musk and Tucker Carlson Don't Understand the First Amendment*, The Atlantic (Dec. 3, 2022); Mike Masnick, *Hello! You've Been Referred Here Because You're Wrong About Twitter and Hunter Biden's Laptop*, Techdirt (Dec. 7, 2022); Mike Masnick, *No, the FBI Is NOT 'Paying Twitter to Censor'*, Techdirt (Dec. 20, 2022); Brian Fung, *Twitter's own lawyers refute Elon Musk's claim that the 'Twitter Files' exposed US government censorship*, CNN (June 6, 2023); Devin Coldewey, *Musk's Twitter Files offer a glimpse of the raw, complicated and thankless task of moderation*, TechCrunch (Dec. 9, 2022); *Murthy v. Missouri*, 603 U.S. 43 (2024).

⁴ See Zoe Schiffer, *Elon Musk Is Running the Twitter Playbook on the Federal Government*, Wired (Jan. 28, 2025); Mike Masnick, *Elon's Twitter Destruction Playbook Hits the US Government, and it's Even More Dangerous*,

Musk is no longer receiving government directives — he’s issuing them.

A multi-billionaire who is one of the richest men in the world, Musk is acting as an unelected “special government employee” who has all the privileges of a high-ranking government official without any apparent obligations to provide the public with transparency or follow the laws of Congress.⁵ Musk has seemingly unchecked power and a giant social-media megaphone to amplify his perspectives.⁶

Musk has glaring conflicts of interest given his business interests across the government, including but not limited to artificial intelligence, banking and securities, defense spending, disaster relief, energy, environmental protections, foreign aid, labor-law violations, satellite communications, space exploration, tax policy, and transportation.⁷ Musk also has numerous foreign-policy entanglements, including major business deals in China, private meetings with Vladimir Putin, and public support for extremist right-wing political parties in Europe.⁸

Under the guise of the so-called Department of Government Efficiency (DOGE), Musk reportedly sent a gang of unvetted hackers to infiltrate core government systems — at the Treasury Department, the Office of Personnel Management, the General Services Administration and elsewhere — with no oversight or accountability and “outside typical agency rules and

Techdirt (Jan. 31, 2024); Jeff Stein, *et al.*, *U.S. government officials privately warn Musk’s blitz appears illegal*, Washington Post (Feb. 4, 2025) (hereinafter “Stein, *U.S. officials warn*”); Jeff Stein, *et al.*, *In chaotic Washington blitz, Elon Musk’s ultimate goal becomes clear*, Washington Post (Feb. 8, 2025) (hereinafter “Stein, *Chaotic blitz*”).

⁵ See Annabelle Timsit and Matt Viser, *Elon Musk is a ‘special government employee.’ What does that mean?* Washington Post (Feb. 4, 2025); Natalie Alms and Nick Wakeman, *Musk’s role as a ‘special government employee’ raises ethics questions*, Government Executive (Feb. 7, 2025).

⁶ Prithvi Iyer, *New Research Points to Possible Algorithmic Bias on X*, Tech Policy Press (Nov. 15, 2024); see also Nora Benavidez, *Big Tech Backslide: How Social-Media Rollbacks Endanger Democracy Ahead of the 2024 Elections*, Free Press (December 2023).

⁷ Faiz Siddiqui, *Elon Musk’s business conflicts draw scrutiny amid White House role*, Washington Post (Jan. 24, 2025); Greg Sargent, *Did Trump Quietly Kill a Sensitive Pentagon Probe into Elon Musk?* The New Republic (Feb. 8, 2025); Lucas Ropek, *Elon Musk’s Enemy, USAID, Was Investigating Starlink’s Contracts in Ukraine*, Gizmodo (Feb. 5, 2025).

⁸ Stephen Collinson, *Musk plays politics abroad as world leaders brace for Trump’s return*, CNN (Jan. 7, 2025); Alan Ohnsman, *Why Elon Musk’s China Ties Are DOGE’s Biggest Conflict of Interest*, Forbes (Feb. 6, 2025); Thomas Grove, *et al.*, *Elon Musk’s Secret Conversations with Vladimir Putin*, Wall Street Journal (Oct. 25, 2024); Emma-Victoria Farr, *Elon Musk appears on video at German far right campaign event* (Jan. 25, 2025); Ronan Farrow, *Elon Musk’s Shadow Rule*, The New Yorker (Aug. 21, 2023).

constitutional checks on executive power.”⁹ It’s unclear what legal authority, if any, Musk’s hackers are relying on to make major decisions reversing congressionally approved budgets or removing federal personnel.

Musk has attempted to hide the identities of these rogue programmers, and he accused those who publicly identified the DOGE hackers of committing a crime — when they merely named the individuals currently burrowing their way into public systems and classified information. This threat deserves serious attention from a committee concerned about censorship. This is a case, as explained by prominent tech journalist Mike Masnick, of a “high-ranking government official using his privately owned platform to actively suppress constitutionally protected speech about government activities. This isn’t an email expressing concerns — it’s direct government action to censor information about public officials.”¹⁰

Worse still, independent reporting shows the DOGE team includes people who have expressed support for racist, neo-Nazi ideologies; participated in a “distributed cybercriminal social network”; and been fired previously for “allegedly leaking internal company information to outsiders.”¹¹ Nonetheless, they have been given access to critical government networks and the personal information of millions of government employees and people who rely on government services, in apparent violation of privacy laws and restrictions on classified materials.¹² One noted cybersecurity expert called the actions of Musk’s team “the most consequential security

⁹ Stein, *U.S. officials warn*, *supra* note 4; see also Vittoria Elliott, *Elon Musk Lackeys Have Taken Over the Office of Personnel Management*, *Wired* (Jan. 28, 2025); Vittoria Elliott, *The Young, Inexperienced Engineers Aiding Elon Musk’s Government Takeover*, *Wired* (Feb. 2, 2025).

¹⁰ Mike Masnick, *Musk Shows Us What Actual Government Censorship on Social Media Looks Like*, *Techdirt* (Feb. 3, 2025).

¹¹ Katherine Long, *DOGE Staffer Resigns Over Racist Posts*, *Wall Street Journal* (Feb. 7, 2025); Brian Krebs, *Teen on Musk’s Doge Team Graduated from ‘The Com,’* *Krebs on Security* (Feb. 7, 2025); Andy Greenberg, *et al.*, *DOGE Teen Owns ‘Tesla.Sexy LLC’ and Worked at Startup That Has Hired Convicted Hackers*, *Wired* (Feb. 6, 2025).

¹² Stein, *Chaotic blitz*, *supra* note 4.; Stein, *et al.*, *U.S. officials warn*, *supra* note 4.; Kim Lane Schepelle, *All the Government’s Data*, *The Contrarian* (Feb. 5, 2025); Ellen Knickmeyer, *Elon Musk says President Donald Trump has ‘agreed’ USAID should be shut down*, *Associated Press* (Feb. 3, 2025); Anna Maria Barry-Jester and Brett Murphy, *In Breaking USAID, the Trump Administration May Have Broken the Law*, *ProPublica* (Feb. 9, 2025).

breach” in U.S. history.¹³ None of these programmers affiliated with DOGE appear to have gone through standard background checks. National-security experts warn that U.S. adversaries “see an espionage and blackmail bonanza” and that “hostile intelligence services are already at work trying to assess which Musk team members might be sloppy with their digital devices or vulnerable to entrapment or coercion.”¹⁴

As a result of Musk’s incursion, government budgets have been slashed and payments stopped without authority and against the express direction of Congress, while thousands of civil servants have been threatened with dismissal and others have been fired or put on leave at the apparent direction of Musk.¹⁵ DOGE’s actions have been characterized by administrative-law experts as “wildly illegal” and “nothing short of an administrative coup.”¹⁶ Numerous lawsuits have been filed, which have at least temporarily slowed Musk’s slash-and-burn strategy. Yet members of Congress tasked with overseeing the executive branch have been physically blocked from entering federal government buildings where DOGE has taken over.¹⁷

¹³ David Sanger, *Musk Team’s Treasury Access Raises Security Fears, Despite Judge’s Ordered Halt*, New York Times (Feb. 8, 2025).

¹⁴ James Goldgeier and Elizabeth N. Saunders, *Does DOGE Pose a National Security Risk?* Foreign Affairs (Feb. 7, 2025).

¹⁵ Jonathan Swan, *et al.*, *Inside Musk’s Aggressive Incursion Into the Federal Government*, New York Times (Feb. 3, 2025); Fatima Hussein, *DOGE was tasked with stopping Treasury payments to USAID, AP sources say*, Associated Press (February 6, 2025); Campbell Robertson, *et al.*, *Resignation Push Deepens Worries About Effect on Government Services*, New York Times (Jan. 29, 2025); Jeremy Herb, *et al.* *How Trump and Musk have shaken the federal workforce*, CNN (Feb. 7, 2025); Jennifer Hansler, *et al.*, *Trump’s rapid dismantling of USAID leaves workers around the world concerned for safety and futures*, CNN (Feb. 6, 2025); Alayna Treene and Tami Luhby, *Trump administration plans sweeping layoffs among workers who don’t opt to resign*, CNN (Feb. 4, 2025); Andrew Roth, *Senior USAID officials put on leave after denying access to Musk’s Doge team*, The Guardian (Feb. 3, 2025); Andrew Duehren, *Treasury Official Quits After Resisting Musk’s Requests on Payments*, New York Times (Jan. 31, 2025); John Sakellariadis and Maggie Miller, *Trump continues federal purge, gutting cyber workers who combat disinformation*, Politico (Feb. 7, 2025).

¹⁶ Stein, *U.S. officials warn*, *supra* note 4; Charlie Warzel, *The ‘Rapid Unscheduled Disassembly’ of the United States Government*, The Atlantic (Feb. 3, 2025).

¹⁷ Julia Conley, *Amid ‘Illegal’ USAID Takeover, Dems Say There’s No ‘Fourth Branch of Government Called Elon Musk,’* Common Dreams (Feb. 3, 2025); Andrew Solender, *Congressional Democrats denied entry to EPA headquarters*, Axios (Feb. 6, 2025); Robert Jimison, *Democratic Lawmakers Denied Entry to the Department of Education*, New York Times (Feb. 8, 2025).

This is a crisis, fueled in large part by a “special government employee” and his ability to drive narratives and spread falsehoods via his social-media platform. And it’s not the only crisis.

The Censorship Czar

The Chairman of the Federal Communications Commission, Brendan Carr, is threatening to revoke broadcast licenses because he doesn’t like the viewpoints expressed by TV journalists.¹⁸ This is censorship. It’s also stunning hypocrisy, given Chairman Carr’s repeated claims that his predecessors in the Biden administration were engaged in “regulatory harassment.”¹⁹

Once upon a time, under a different presidential administration and House majority, then-Commissioner Carr uttered this stirring rebuke: “A newsroom's decision about what stories to cover and how to frame them should be beyond the reach of any government official, not targeted by them.”²⁰ How times have changed.

Chairman Carr is breaking with long-standing, bipartisan FCC precedent — which avoids regulating broadcast content outside of extremely rare and narrow circumstances — to exact retribution on Trump’s detractors.²¹ The government should never interfere with such editorial decisions or news content. Yet the FCC has sent threatening letters and launched investigations over editorial decision-making, reporting on law-enforcement activities, and basic fact checking. The FCC chairman is weaponizing the power of the agency President Trump appointed him to lead in order to go after the president’s perceived enemies and chill critical coverage.

¹⁸ Jon Brodtkin, *Trump FCC chair wants to revoke broadcast licenses*, Ars Technica (Dec. 17, 2024).

¹⁹ Makena Kelly, *Trump’s FCC Pick Wants to Be the Speech Police. That’s Not His Job.*, Wired (Nov. 20, 2024).

²⁰ “FCC Commissioner Carr Responds to Democrats’ Efforts to Censor Newsrooms,” *Press Release*, Federal Communications Commission (Feb. 22, 2021); *see also* Joe Lancaster, *How the FCC’s ‘Warrior for Free Speech’ Became Our Censor in Chief*, Reason (Feb. 5, 2025).

²¹ Jessica J. González, *Trump’s pick to lead the FCC poses a threat to free speech*, The Hill (Nov. 30, 2024); Yanni Chen, *FCC Chairman Carr’s Emerging Agenda and its Dangerous Impacts*, Tech Policy Press (Feb. 10, 2025).

During a congressional hearing in September, Carr twice refused to answer questions on whether ABC’s broadcasting license should be stripped because its journalists had fact-checked Donald Trump during a presidential debate with Vice President Harris.²² In November, Carr complained about Harris’ appearance on NBC’s *Saturday Night Live*, wrongly accusing the network of a “clear and blatant effort to evade the equal time rule” and stating that the FCC should “keep every remedy on the table” for this supposed violation, including revoking the broadcast licenses of local television stations owned by NBC and Telemundo.²³

In the waning days of the Biden administration, then-FCC Chairwoman Jessica Rosenworcel dismissed four complaints or broadcast-license challenges. Three had been filed by right-wing groups claiming that broadcast networks had unfairly disadvantaged the 2024 Trump presidential campaign. The other was made by a group of media activists (as well as a former top lobbyist for Rupert Murdoch) about the Dominion Voting Systems scandal at Fox News, in which the company paid nearly \$800 million to settle a lawsuit over Fox’s admitted false claims about the 2020 election.²⁴ When Carr took over the chairmanship, he reinstated the three challenges related to recent coverage of Trump but left the ruling that favored Fox in place.²⁵

In just his first few weeks on the job as chairman, Carr also launched an investigation into the “underwriting” practices of PBS and NPR. While commercialization of public media is a legitimate issue, Carr’s sudden interest is better understood as an attempt to discourage PBS and NPR from critical coverage of this administration under threat of defunding these essential

²² David Shepardson, *FCC chair rejects Trump call to pull ABC licenses over presidential debate*, Reuters (Sept. 19, 2024).

²³ Nilay Patel, *Here’s FCC Commissioner Brendan Carr sucking up to Donald Trump by threatening to take NBC off the air*, The Verge (Nov. 4, 2024).

²⁴ Kelcee Griffis, *FCC Tosses News Bias Complaint Over Harris 60 Minutes Clip*, Bloomberg (Jan. 16, 2025).

²⁵ Taylor Herzlich, *FCC chair Brendan Carr restores bias complaints by Trump against ABC, NBC, CBS over campaign coverage*, New York Post (Jan. 22, 2025).

services (an idea Carr has wholeheartedly endorsed).²⁶ Far more concerned with playing partisan politics than actual policymaking, Carr also launched an investigation into KCBS, a Bay Area news-radio station, for reporting on ICE raids.²⁷ This reporting, which was of widespread community interest and included information shared by local activists and local politicians, is clearly protected by the First Amendment. But that didn't stop the FCC Chairman from again abusing his authority and trying to intimidate journalists and their bosses.

Now Chairman Carr is threatening to block a merger between Skydance and Paramount, the parent company of CBS.²⁸ At the same time, President Trump sued CBS for \$10 billion — since jacked up to \$20 billion — because he didn't like how *60 Minutes* edited an interview with former Vice President Harris.²⁹ Carr is claiming that these normal editorial processes amounted to “news distortion,” and he's twisting the agency's public-interest obligations to squeeze a company that is simultaneously negotiating to settle Trump's lawsuit — a preposterous lawsuit, it should be said, that is in its own right a full-on attack on press freedom.³⁰ Even the conservative *Wall Street Journal* editorial board has opposed the FCC's actions, concluding: “Mr. Trump clearly wants to intimidate the press, and it's no credit to the FCC to see it reinforcing that with an inquiry.”³¹ The libertarian magazine *Reason* concurred, writing: “Carr's interest in

²⁶ Benjamin Mullin and David McCabe, *F.C.C. Chair Orders Investigation Into NPR and PBS Sponsorships*, New York Times (Jan. 30 2025).

²⁷ Juan Carlos Lara, *FCC Investigates SF Radio Station for ICE Reporting, Sparking Press Freedom Fears*, KQED (Feb. 6, 2025).

²⁸ Taylor Herzlich, *Trump's FCC pick Brendan Carr says '60 Minutes' editing scandal could affect Paramount-Skydance merger review*, New York Post (Nov. 20, 2024).

²⁹ Gene Maddaus, *Trump Doubles Down on CBS '60 Minutes' Lawsuit, Now Wants \$20 Billion*, Variety (Feb. 7, 2025); Joseph Wulfsohn and Brooke Singman, *Trump's lawsuit against CBS expands after release of '60 Minutes' transcript, adds Paramount as defendant*, Fox News (Feb. 8, 2025).

³⁰ Lauren Hirsch, *et al.*, *Paramount in Settlement Talks With Trump Over '60 Minutes' Lawsuit*, New York Times (Jan. 30, 2025); Will Creeley, *Media outlets must not cave to Trump's lawfare*, The Foundation for Individual Rights in Education (Feb. 4, 2025).

³¹ *Trump, CBS, and 'News Distortion'*, Wall Street Journal (Feb. 9, 2025).

reconsidering the frivolous complaint against CBS in this context is a chilling illustration of how executive power can be abused in service of the president’s personal vendettas.”³²

Policing Social Media

Carr isn’t just threatening broadcasters’ First Amendment rights. He also is gunning for online platforms — at least the ones not owned by Elon Musk or Donald Trump. In November, he sent a letter to the CEOs of Alphabet, Apple, Meta and Microsoft, calling them a “censorship cartel” merely because they allowed the nonpartisan NewsGuard service to offer fact-checking on their sites.³³ This action demonstrates a fundamental and willful misunderstanding of the First Amendment by President Trump’s top communications regulator. The purpose of the First Amendment is to protect people from the government picking and choosing speech with which it agrees and silencing speech it finds distasteful. It’s not to let the government dictate how a private company conducts content moderation or what it decides to add to its sites. Steven Brill, the veteran journalist who co-founded NewsGuard with conservative editor Gordon Crovitz, explained this succinctly in a *Politico* piece defending his work: “Newsmax and OANN have the right to criticize NewsGuard, and they exercise that right vehemently. What they should not be able to do is enlist our government to help them. And no government official who takes the oath of office has the right to join them.”³⁴

Unfortunately, Carr has not been deterred. Observing in his missive to the tech companies that “Big Tech’s prized liability shield, Section 230, is codified in the Communications Act, which the FCC administers,” Carr warned that using NewsGuard could strip the companies of

³² Jacob Sullum, *Trump Is Flat-Out Lying About the 60 Minutes Interview with Harris*, Reason (Feb. 6, 2025)

³³ *Carr Letter on NewsGuard and the Censorship Cartel*, Federal Communications Commission (Nov. 13, 2024).

³⁴ Steven Brill, *Trump’s Nominees Falsely Say I’m Censoring Conservatives — So They Want to Censor Me*, Politico (Jan. 5, 2025).

their Section 230 protections because they might not be operating “in good faith.”³⁵ This is in line with the plans Carr outlined in his chapter of Project 2025, and which he can be expected to pursue when a third Republican commissioner joins the FCC. He seeks to deny social-media companies their First Amendment rights to moderate and curate their sites, forcing them to host toxic racist and misogynist content that neither users nor advertisers want to be exposed to.³⁶ Doing so would be another major and unprecedented overreach, turning the FCC from the agency tasked with managing broadcast licenses, telecommunications wires and spectrum into the online speech police.

Carr is pursuing these goals despite having no jurisdiction to go after social-media companies or nonprofit fact-checkers. The FCC’s power is limited to what Congress has delegated, and this FCC chairman is out of bounds.

Self-Censorship and Surrender

In many cases, just the threat of retribution is enough to place media and tech companies under the thumb of the new administration. We’ve already seen Disney/ABC and Meta — and CBS might be next — making settlements for tens of millions of dollars in what are widely considered specious lawsuits.³⁷ They appear to be paying off the president to remove the targets from their backs or gain regulatory favors. This is beyond alarming.

Social-media companies are also making major and sudden changes to how they moderate content and safeguard their users in response to demands from the Trump

³⁵ Carr Letter, *supra* note 33; Chen, *FCC Chairman Carr’s Emerging Agenda and its Dangerous Impacts*, *supra* note 21.

³⁶ González, *Trump’s pick to lead the FCC poses a threat to free speech*, *supra* note 21.

³⁷ David Folkenflik, *ABC settles with Trump for \$15 million. Now, he wants to sue other news outlets*, NPR (Dec. 16, 2024); Todd Spangler, *Meta to Pay Trump \$25 Million to Settle 2021 Lawsuit Over His Facebook and Instagram Ban*, Variety (Jan. 29, 2025); Hirsch, *et al.*, *Paramount in Settlement Talks With Trump Over ‘60 Minutes’ Lawsuit*, *supra* note 30.

administration. Meta, for example, went from promising to step away from politics to actively pushing the president’s agenda, appointing Trump allies to its board, and scrapping content-moderation and diversity-equity-and-inclusion policies — all *after* President Trump threatened Mark Zuckerberg with life in prison.³⁸

I am a longtime critic of these tech companies. I have used my First Amendment rights to denounce their decisions and urged advertisers to boycott them when they didn’t listen. That’s my constitutionally protected right as an advocate and private citizen. But the government is different. The government may inform the public and may even communicate its views on what deserves coverage, but it should never interfere with the rights of private companies to then make their own decisions about what they choose to publish or how they moderate content. That’s why the First Amendment exists — to protect private actors from government overreach and interference.

That said, if you are concerned about undue government pressure on social media companies, then you should also be worried when the billionaire owners of these companies — old and new media alike — literally line up on the dais behind the president at his inauguration, after handing over millions in cash donations to prove their loyalty.³⁹ That’s not a sign of a healthy democracy.

³⁸ Kelvin Chan, *Meta’s new board includes UFC boss Dana White, a familiar figure in Trump’s orbit*, Associated Press (Jan. 7, 2025); Hafiz Rashid, *Zuckerberg Sucked Up to Trump Adviser Before Changing Meta Rules*, The New Republic (Jan. 17, 2025); Eleanor Pringle, *Donald Trump once threatened to jail Mark Zuckerberg, but last night they ate Thanksgiving eve dinner together*, Fortune (Dec. 2, 2024); see also Nora Benavidez and Timothy Karr, *Tracking Platform Integrity on the Eve of the Election*, Free Press (October 2024).

³⁹ Ali Swenson, *Trump, a populist president, is flanked by tech billionaires at his inauguration*, Associated Press (Jan. 20, 2025); Kathryn Watson and Libby Cathey, *Meta, Amazon and tech CEOs make \$1 million investments in Trump’s inauguration*, CBS News (Dec. 16, 2024).

Focus on Real Threats to Free Speech and a Free Press

The United States was founded on the premise that our public sphere should be protected against government retribution and manipulation, to safeguard criticism of those in power and hold leaders accountable. We need journalists to expose corruption, to separate fact from fiction, and to help the public to make sense of what’s happening. Yet journalists trying to inform the public about the activities of DOGE are being harassed at the instigation of Musk, a high-ranking government employee, and threatened with prosecution by a U.S. attorney.⁴⁰ The president has a long history of targeting the media and retaliating against reporters whose coverage he dislikes.⁴¹ He most recently called for *60 Minutes* to be “terminated.”⁴²

I’m a former journalist, testifying alongside several other journalists at this hearing. I may not always agree with my colleagues’ choices or conclusions, but I will defend their constitutional rights to speak and write without fear of intimidation and harassment by government officials, without fear of unlawful government surveillance for simply speaking to sources, without fear of unconstitutional censorship and retaliation. I hope we can agree that’s a problem no matter who is in power.

We are at a moment — a true emergency — where partisan differences should be set aside to speak out against government censorship. The First Amendment is not just for billionaires — it protects everyone’s freedom and free expression.

Thank you for this opportunity to testify. I welcome your questions.

⁴⁰ Vittoria Elliott, *The Young Inexperienced Engineers*, *supra* note 9; Katie Robertson, *Trump and Musk Attack Journalists by Name in Social Media Posts*, New York Times (Feb 7, 2025); Nick Wadhams, *Trump-Appointed DC Attorney Offers to Protect Musk’s DOGE Staff*, Bloomberg (Feb. 3, 2025).

⁴¹ *PEN American Center Inc., v. Trump*, 448 F. Supp. 3d 309 (S.D.N.Y. 2020); *see also* Mike Masnick, *Judge Allows PEN America’s Lawsuit Against Donald Trump Over Retaliation Against The Media To Proceed*, Techdirt (Mar. 27, 2020).

⁴² Brian Steinberg, *Donald Trump Calls for ‘60 Minutes’ to be ‘Terminated’ Amid Lawsuit Over Kamala Harris Interview, Claims ‘CBS Should Lose Its License’*, Variety (Feb. 6, 2025).