

# THE CENSORSHIP-INDUSTRIAL COMPLEX

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## HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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WEDNESDAY, FEBRUARY 12, 2025

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# C O N T E N T S

WEDNESDAY, FEBRUARY 12, 2025

## OPENING STATEMENTS

	Page
The Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio .....	1
The Honorable Jamie Raskin, Ranking Member of the Committee on the Judiciary from the State of Maryland .....	3

## WITNESSES

Rupa Subramanya, Journalist, The Free Press	
Oral Testimony .....	8
Prepared Testimony .....	12
Michael Shellenberger, CBR Chair of Politics, Censorship, and Free Speech, University of Austin, Founder, Public News	
Oral Testimony .....	17
Prepared Testimony .....	19
Matt Taibbi, Editor, Racket News	
Oral Testimony .....	30
Prepared Testimony .....	32
Craig Aaron, Co-CEO, Free Press Action	
Oral Testimony .....	34
Prepared Testimony .....	36

## LETTERS, STATEMENTS, ETC. SUBMITTED FOR THE HEARING

All materials submitted for the record by the Committee on the Judiciary are listed below .....	121
An article entitled, “Shellenberger: USAID Paid for Trump Impeachment Effort,” Feb. 6, 2025, <i>Newsmax</i> , submitted by the Honorable Thomas Massie, a Member of the Committee on the Judiciary from the State of Kentucky, for the record	
Materials submitted by the Honorable Jasmine Crockett, a Member of the Committee on the Judiciary from the State of Texas, for the record	
An excerpt from a transcribed interview, May 16, 2023	
An excerpt from a transcribed interview, May 22, 2023	
An excerpt from a transcribed interview, May 31, 2023	
An excerpt from a transcribed interview, Jun. 14, 2023	
An excerpt from a transcribed interview, Jun. 16, 2023	
An excerpt from a transcribed interview, Jun. 20, 2023	
An excerpt from a transcribed interview, Jun. 21, 2023	
An excerpt from a transcribed interview, Jun. 22, 2023	
An excerpt from a transcribed interview, Jun. 23, 2023	
An excerpt from a transcribed interview, Jun. 26, 2023	
An excerpt from a transcribed interview, Jun. 28, 2023	
An excerpt from a transcribed interview, Jul. 19, 2023	
An excerpt from a transcribed interview, Sept. 19, 2023	
An excerpt from a transcribed interview, Mar. 1, 2024	
An excerpt from a transcribed interview, Apr. 11, 2024	

- A letter to the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, Aug. 26, 2024, from Mark Zuckerberg, Founder Chair & CEO, Meta Platforms, Inc., submitted by the Honorable Lance Gooden, a Member of the Committee on the Judiciary from the State of Texas, for the record
- Materials submitted by the Honorable Daniel S. Goldman, a Member of the Committee on the Judiciary from the State of New York, for the record
- A Syllabus, *Murthy, Surgeon General, et al. v. Missouri, et al.*, Oct. Term 2023, The Supreme Court
- An article entitled, "Elon Musk's Business Empire Scores Benefits Under Trump Shake-Up," Feb. 11, 2025, *The New York Times*
- A letter to Honorable Michael E. Horowitz, Inspector General, U.S. Department of Justice, Feb. 12, 2025, from Members of Congress, submitted by the Honorable Jared Moskowitz, a Member of the Committee on the Judiciary from the State of Florida, for the record
- An article entitled, "EU Law Sets the Stage for a Clash Over Disinformation," Sept. 27, 2023, *The New York Times*, submitted by the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, for the record
- Materials submitted by the Honorable Jamie Raskin, Ranking Member of the Committee on the Judiciary from the State of Maryland, for the record
- An article entitled, "Trump also tried to suppress free speech on Twitter," Feb. 9, 2023, *Washington Examiner*
- An article entitled, "Twitter Kept Entire 'Database' of Republican Requests to Censor Posts," Feb. 8, 2023, *Rolling Stone*
- An article entitled, "Trump Admin Tells Facebook to Remove Posts About Tearing Down Statues," Jun. 26, 2020, *Business Insider*
- An article entitled, "Twitter Files' Matt Taibbi Says Elon Musk Sent Him Unhinged Messages," Feb. 16, 2024, *The New Republic*
- An article entitled, "Connecting the Dots, Donald Trump's Tightening Grip on Press Freedom," Feb. 6, 2025, *Just Security*
- An article entitled, "Musk touts DOGE transparency but downplays his own potential conflicts of interest," Feb. 11, 2025, *CNN*
- An article entitled, "Yes, the Trump White House Demanded Twitter Remove Chrissy Teigen's Tweet," Feb. 8, 2023, *Vanity Fair*
- A letter from the Organized Crime and Corruption Reporting Project, Feb. 12, 2025, to the House Judiciary Committee
- An article entitled, "AP statement on Oval Office access," Feb. 11, 2025, *The Associated Press*, submitted by the Honorable Mary Gay Scanlon, a Member of the Committee on the Judiciary from the State of Pennsylvania, for the record



## THE CENSORSHIP-INDUSTRIAL COMPLEX

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Wednesday, February 12, 2025

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

*Washington, DC*

The Committee met, pursuant to notice, at 10:08 a.m., in Room 2141, Rayburn House Office Building, the Hon. Jim Jordan [Chair of the Committee] presiding.

*Members present:* Representatives Jordan, Issa, Biggs, McClintock, Tiffany, Massie, Fitzgerald, Cline, Gooden, Van Drew, Nehls, Moore, Kiley, Hageman, Lee, Hunt, Fry, Grothman, Knott, Harris, Onder, Schmidt, Gill, Baumgartner, Raskin, Nadler, Lofgren, Cohen, Johnson, Swalwell, Lieu, Jayapal, Correa, Scanlon, McBath, Ross, Balint, Garcia, Kamlager-Dove, Moskowitz, Goldman, and Crockett.

Chair JORDAN. [Presiding.] The Committee will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

We welcome everyone to today's hearing on the Censorship-Industrial Complex.

The Chair now recognizes the gentleman from North Carolina, Mr. Knott, to lead us in the Pledge of Allegiance.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Chair JORDAN. We appreciate everyone being here today for this important hearing.

We will start with opening statements. The Chair is recognized.

What a difference a few years make. Four years ago, President Trump was banned from all platforms—Twitter, Facebook, and YouTube. Today, he has his own platform; he is back on all the others, and, of course, he is President of the United States.

Four years ago, Democrat Members of Congress sent a letter to telecommunication companies pressuring them to kick *Fox* and *Newsmax* off of cable network. Today, both are still on; both are doing fine. *Fox* has more viewers than *MSNBC* and *CNN* combined.

Four years ago, the White House was actively pressuring big tech to censor Americans. You don't have to take my word for it. Mark Zuckerberg wrote the Committee a letter, told us it was going on.

He said the Biden Administration pressured us to censor. We did it. We're sorry. We ain't going to do it anymore.

Today, they have changed their policies, got rid of the independent fact checkers, and actually embraced the First Amendment. Imagine that.

Maybe the best example of what they were doing happened on the third day of the administration, an example we have highlighted many times in this Committee in the last Congress. The third day of the Biden Administration, there was an email sent from Clark Humphrey to Twitter.

The email said,

I wanted to flag the below tweet and we hope you can get moving on the process for having it removed ASAP.

Take down this tweet as soon as possible.

Who was the tweet by? Who did the tweet? The guy who is going to be named Secretary of Health and Human Services here sometime this week, Robert F. Kennedy, who just happened to be the guy who was going to run against the very people trying to take down the tweet.

What did the tweet say?

Hank Aaron's tragic death is part of a wave of suspicious deaths among elderly. Closely following administration of [the] ... vaccine.

He received the vaccine on January 5th to inspire other Black Americans to get the vaccine.

There is not one thing in that two-sentence tweet that is not true. Absolutely true. The Biden Administration was pressuring to take it down. The term—actually, it is Mr. Shellenberger's term—"The Censorship-Industrial Complex," that's what it is right there, front and center, and it is much broader than that.

By the way, the guy who authored this tweet is going to be voted by the U.S. Senate to be the next Secretary of Health and Human Services. We had him as a witness in front of this Committee two years ago. When RFK, Jr., came in to testify, Democrats made a motion to go to an Executive Session. Executive Session, kick everyone out, so that no one could hear what RFK, Jr., was going to testify to in a hearing on censorship. You can't make this stuff up.

Two years ago, we learned that 51 former intel officials lied to the country when they said the Hunter Biden laptop story had "all the classic earmarks of a Russian information operation." Today, all 51 of those people have lost their security clearance.

A few years ago, GARM, the misnamed Global Alliance for Responsible Media, was coordinating an effort with major advertisers to limit ads on conservative platforms and websites. Today, GARM is out of business. Climate Action 100 a few years ago coordinated an effort to financial institutions to pressure companies to reduce oil and gas emissions and production. Today, Climate Action 100, out of business. A few years ago, the Stanford Internet Observatory was working. Today, they're out of business. NZAM was doing the same thing a few years ago. Today, they stopped operation.

What a difference a few years can make. So much of this change started in October 2022, when Elon Musk purchased Twitter. I think he said something like: I didn't spend \$44 billion to buy Twitter. I spent \$44 billion to save the First Amendment.

Of course, that effort began with the Twitter Files. Two of the Twitter Files' authors are with us today as witnesses.

Matt Taibbi wrote the very first Twitter File and I think 11 or 12 others. Over the time that all that information was coming out, Mr. Shellenberger was also an author, and as I said earlier, he is the guy who coined the term, “The Censorship-Industrial Complex,” big government working with big universities, working with other government agencies, the White House working in all this, pressuring big tech to censor Americans’ speech.

Both Democrats, both award-winning journalists, both Democrats at the time when they testified last Congress, both award-winning journalists, both testified multiple times in front of this Committee last Congress. What was their reward for coming forward and defending the First Amendment?

They were attacked. They were referred to in this Committee as “so-called journalists,” even though they have won all kinds of awards and are best-selling authors. They were asked to disclose their sources in a hearing by Democrats in front of this Committee, and they were named personally in a letter by the FTC Chair, Lina Khan, when Ms. Khan asked Elon Musk, “Who were the journalists you were talking to?”

Of course, maybe most importantly, we all remember that, at the very moment Matt Taibbi was testifying in front of this Committee, the IRS was knocking on his door. Just one big coincidence. At the very time, the very time he is talking to this Committee, testifying in front of this Committee, the IRS was knocking on his door.

Ms. Subramanya was targeted for covering the trucker blockade in Canada. She also testified last year in front of this Committee, and she warned us—she was ahead of her time—she warned us about what was coming in Europe and around the world with the censorship efforts we are seeing in other Western Nations.

One of the things she said when she testified almost two years ago, she said, “What is under threat is a core value of Western civilization.” Never forget that powerful statement, and that is what is at stake here.

So, I appreciate the work you have all done; what we have been able to uncover. We appreciate the work of the President and Mr. Musk, and what he started with the Twitter Files, and then, what we were able to do with all these other platforms, and the dramatic change we have seen.

I am nervous about what is happening in Europe because of the Digital Services Act they are using to pressure tech companies to censor globally, which impacts Americans as well. This is something the Committee is going to look into as we move forward.

I want to thank you all for being here today.

With that, I would recognize the Ranking Member for his opening statement.

Mr. RASKIN. Thank you very much, Mr. Chair.

Thanks to all our witnesses today.

The wrecking ball of Right-wing authoritarianism is swinging right through Congress and coming directly at the freedoms of the press and the people right now. The self-appointed CEO of this operation is the unelected bureaucrat and aspiring techno-dictator Elon Musk, who Steve Bannon calls,

A truly evil individual trying to create a techno-State in which he's king and most of us are reduced to the status of serfs. Break things, and break things fast.

Steve Bannon says is Musk's MO.

De Facto President Musk and his nocturnal DOGE Muskovite youth brigade have now taken control of dozens of Federal computer data bases to dismantle entire Federal agencies and programs that we, in Congress, created and funded with appropriations to keep our people safe and secure and healthy.

Just this week, the Consumer Financial Protection Bureau, the agency that lowered overdraft fees from \$38–\$5 and cut credit card late fees from an average of \$32–\$8 for American consumers, saving us billions of dollars, an agency that has actually stopped corporate rip-off artists from stealing \$21 billion from us, got a stop work order from Elon Musk.

The billionaire plutocrats want to dismantle the EPA, which protects our air and water, and the NIH, which promotes lifesaving scientific and medical research.

Yesterday, Donald Trump banned the Associated Press, a 179-year-old newspaper organization, from the White House because it declines to call the Gulf of Mexico "The Gulf of America." This is straight-up press censorship based on retaliatory viewpoint discrimination.

Trump's DOD kicked out eight news groups that had space in the Pentagon, but which asked skeptical questions of the new Secretary, including *The New York Times*, *NBC News*, and the *Washington Post*, all ousted in favor of outlets willing to faithfully advance the party line of the State, like *Breitbart* and *One America News Network*.

Mr. Chair, I despair sometimes when I reflect how far this war on representative democracy and the Rights of the press and the people has already gone and how far it might go. Then, Mr. Chair, I confess, I think about you. I think about you because you and I, a MAGA Republican, a conservative Republican, and a liberal Democrat have always shared a common commitment to the First Amendment. This gives me hope. As you've put it, quote, "The First Amendment is first for a reason. Without it, we cannot enjoy our other liberties."

So, I tell myself that, if things got really bad here, if we begin to look more like Orban's illiberal democracy in Hungary or Putin's Russia, where journalists end up in prison for their writings and young people are jailed for expressing antiwar sentiments, and opposition leaders like Alexei Navalny are poisoned and die mysteriously in jail, or Kim Jong Un's North Korea, or Xi's China, authoritarian dictatorships where all must worship the orders of the "dear deified leader." I will call on you, as a colleague, Chair Jordan, whom I have known to work seriously across the aisle sometimes, to come defend political freedom in America.

These are dark times, but in the past, we have agreed strongly on the fundamental importance of free speech, free press, the Right to assemble, the Right to petition for redress of grievances, free exercise of religion, and no establishment of a State religion.

I'm proud that you and I worked together to move the PRESS Act, which passed this Committee unanimously and the House by

voice vote last Congress, to protect reporters against compulsory disclosure of their sources and their notes. You supported my resolution against blasphemy laws around the world used to torment Christians, Hindus, Muslims, and free thinkers everywhere.

We have clashed vigorously and we, no doubt, will continue to do so through this very difficult period, but forgive me if I quote Abraham Lincoln, the great founder of your Party, who said,

We are not enemies but friends. We must not be enemies. Though passion may have strained, it must not break the bonds of affection.

I hope we can call on these bonds if Elon Musk or anyone else in the Executive Branch seeks to destroy our Constitutional freedoms and the powers of Congress.

Although this hearing has been arranged to belabor a rather tiresome point that has been made ad nauseam for the last several years, it actually gestures at an important issue; specifically, whether social media platforms like Meta and X should be treated as common carriers and pushed to be open to all speakers and all content, regardless of how dangerous or extreme or false it may be, or whether they should be seen as private speakers who have their own freedom to exclude any content that violates their own policies, the way that newspapers and TV stations do.

It is a fascinating problem, but it is clear as a matter of law that these are private entities and speakers who control their own speech, despite the fact that they are protected by Section 230, which immunizes them from liability for other people's defamation and fraud and other criminal and tortious communications posted on their platforms.

The status of 230 is something we have discussed that we should seriously examine in a thoughtful way, since the internet has clearly gotten off the ground and doesn't need this kind of subsidy anymore.

What I insist on is that we be consistent in our treatment of the tech giants. You pushed them hard, Mr. Chair, to remove objective fact-checking and to let all the extreme Right-wing forces get back on the internet. You pushed for an absolute and wide-open market in speech, but, then, you should push them equally hard not to censor dissenting viewpoints, whether they come from the anti-immigration wing of the MAGA movement, like Steve Bannon or Laura Loomer, who says she has been shadow-banned on X by Elon Musk, or from the populous left, as when Musk purged his platform of journalists critical of him and other accounts critical of him back in 2022.

Even one of your own witnesses today, Mr. Taibbi, was privately censored or de-amplified by Elon Musk, and I assume must walk on eggshells now not to get kicked off of that platform, but I will be interested to hear what he says about it.

If you use our Congressional bully pulpit to stand up for the Rights of extreme Right-wing speakers on these private platforms, you should stand up for the Rights of anti-Musk speakers to be on that platform, too.

Right now, the issue is this: We face a profound First Amendment crisis in the actions taken by this administration. One of my constituents who is serving in the Armed Forces, Mr. Chair, alerted me this past Friday to book bans by the government in their kids'

Department of Defense school, where they are closing the library for a week to complete a purge of books that appear to offend the new government orthodoxy against DEI and gender ideology. That's fine if you hate those ideologies, whatever you think they are, but this is naked content and viewpoint censorship of books.

I hope you will join me in denouncing the purge of books, the stripping of books from the Department of Defense libraries, or any other public libraries in America or for American citizens.

When this father saw a school official removing not just books, but posters of Susan B. Anthony and Dr. King, my constituent asked why they left up the poster of Leonardo da Vinci, and he was told, "That's a real historical figure."

More sweepingly, Trump and his FCC are using their powers to investigate, sue, and threaten news groups that dare to criticize the administration. Trump is suing *CBS* for \$20 billion in damages because—check this out—he believes an interview with Kamala Harris produced too favorable an impression of her. So, that means that I could sue *Fox News* because I think their interviews with Trump produce too favorable an impression of him. I mean, this is lunacy.

Now, exploiting his asserted unitary Executive powers, Trump is unleashing his sycophant FCC Chair Brendan Carr on every news group whose stories he doesn't approve of actually threatening to pull the government broadcast licenses for *ABC*, *CBS*, *NBC*, *PBS*, and *NPR*. Nothing of a hostile nature, of course, has taken place against *Fox News*, which is now the de facto State-approved media and enjoys immunity from the repression visited on its liberal competitors. What is this, North Korea?

It reminds me of the treatment of Michael Cohen, Donald Trump's former private lawyer, who worked for Trump for more than a decade and became Deputy Finance Chair of the RNC. He went to jail for Donald Trump for, among other things, lying to Congress and making unlawful corporate contributions in the Stormy Daniels coverup affair.

When Cohen was released from prison during COVID to home arrest and probation with an ankle bracelet, he was abruptly re-arrested and taken back to prison when he refused to sign a statement saying he would not speak to the media or publish a book about Donald Trump. Everybody's got to hear this. He was thrown into solitary confinement, where he remained until a United States District Court Judge found this to be a clear First Amendment violation and an outrage, and freed him immediately. What is this, Castro's Cuba? Putin's Russia?

The free speech violations taking place now against Department of Justice prosecutors and FBI agents are equally astounding. The First Amendment forbids reprisal and punishment against professional government employees for political reasons. Yet, Trump has fired and demoted dozens of Federal prosecutors, many of whom he had appointed during his first administration, simply for doing their jobs, including prosecuting January 6th violators.

Trump's subordinates also asked for a roundup of information about more than 6,000 hardworking FBI agents who were assigned to work the January 6th probe. A dangerous, blatantly unconstitu-

tional order which was enjoined by a U.S. District Court in a case brought by the Association of FBI Agents.

The administration is attempting to do its work—I'm about to finish up, Mr. Chair. Thank you.

Chair JORDAN. I see a lot of pages there. I was just wondering.

Mr. RASKIN. Yes, I'm going to speak fast, like you. Watch me do it. All right?

Look, this is happening in secret. They are keeping the press, the Congress, and people in the dark. I know you feel as strongly about government transparency as you do about free speech.

Chair JORDAN. Yes.

Mr. RASKIN. The administration has illegally fired 17 inspector generals, totally violating the statute which says they have got to come to Congress first 30 days before they fire them and set forth the specific explanation for why that is happening.

Now, finally, you and I are both fierce advocates for the First Amendment and government transparency. Both of us see in the First Amendment a right that protects everybody without regard to viewpoint, substance, or politics of the message. If we stand up strong for the First Amendment, if we defend not just the speech we agree with, which is easy, but the speech we oppose, which is hard, then we will be Constitutional patriots and we will protect a truly free society.

When we together introduced our Free Flow of Information Act, you said all rights protected in the First Amendment need to be defended. We had real success. Let's work together again to end the attacks on news organizations; to demand transparency from the administration, and to allow every American to exercise his or her free speech without being intimidated, harassed, or prosecuted.

Thank you, and I yield back.

Chair JORDAN. Without objection, all other opening statements will be included in the record.

We will now introduce today's witnesses.

Mr. Matt Taibbi is a journalist, author, and founder of *Racket News*. He reported on the original Twitter Files in 2022, showing the Federal Government's pervasive involvement in the companies' content moderation decisions. He is an author and journalist who earned the National Magazine Award for Commentary in 2008; the Izzy Award for Outstanding Independent Journalism in 2020. He has authored 10 books, four of which were *The New York Times* bestsellers. Mr. Taibbi testified twice last Congress before the Select Subcommittee on the Weaponization of the Federal Government.

We are glad to have you back.

Mr. Michael Shellenberger also reported on the original Twitter Files in 2022. More recently, he released the Twitter Files Brazil, which highlighted the Brazilian government's attempt to censor dissenting opinions on X. Mr. Shellenberger is the Founder and President of Environmental Progress, an independent, nonprofit, research organization based in Berkeley, California; the best-selling author of "San Fransicko" and "Apocalypse Never," and was named a Time Magazine Hero of the Environment, and is a Green Book Award winner. Last Congress he testified twice before our Com-

mittee and before the House Foreign Affairs Committee on the Brazilian government's censorship efforts.

Ms. Rupa Subramanya is a Canadian journalist for *The Free Press* who has written extensively about foreign censorship laws. Her testimony before the Select Subcommittee in November 2023, warned of the coming censorship legislation in Canada, Brazil, Ireland, France, and the EU. She has reported on the weaponization of foreign hate speech laws to target voices that dissent from liberal orthodoxy. *The Free Press* Founder Bari Weiss wrote that, quote,

If there's one theme that runs through Rupa's work, it is this: The urgent threat to our liberties by the combined power of government and big tech.

Finally, Mr. Craig Aaron is the President and Co-CEO of *Free Press*, not to be confused with *The Free Press*. Free Press Action, a nonprofit organization that advocates on media and technology policy. Prior to joining *Free Press* in 2004, he worked as an investigative reporter at *Public Citizen* and was the Managing Editor of *In These Times*, a biweekly political magazine.

We welcome all our witnesses; thank them for appearing.

We will begin by swearing you in. Would you please rise and raise your right hand?

[Witnesses sworn.]

Let the record reflect that the witnesses have answered in the affirmative.

You can be seated. Thank you.

Again, thank you all for being here today. We really do appreciate the work you have done over so many years and are now coming back in some cases for your third time in front of the Committee.

Please know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony in five minutes.

We will start with Ms. Subramanya.

### STATEMENT OF RUPA SUBRAMANYA

Ms. SUBRAMANYA. Thank you.

What if I were to ask you, what are the most repressive governments around the world when it comes to freedom? Who suppresses freedom of speech and enterprise the most? You'd surely say North Korea, Iran, and Russia. What if I told you Germany should be in that list, or for that matter, France, or Canada, where I'm from, I should be on that list, too?

I'm not saying these countries are the same as the fear-based authoritarian societies of North Korea and Iran, not by a long shot, but I am suggesting that some of the free countries are not, in fact, living up to their promises of liberty, and that many allies of the U.S. have gotten in the habit of using the government against political enemies or disfavored companies.

In Scotland, hate crime legislation adopted last year criminalizes anything that stirs up hatred against an array of protected groups, including the disabled, the old, the LGBTQ community, and others.



In Australia, the government started enacting hate crime laws just last week that impose jail sentences on those who display hateful symbols, like swastikas.

In Germany, authorities have ramped-up their policing of online hate speech by arresting people who've made "offensive" posts and seizing their laptops and other devices. Last year, the German government banned a far-Right magazine for antihuman hate speech and agitation and shut down a protest because the protesters were Irish and speaking Gaelic rather than English or German.

In the UK, the police have taken to arresting people who post videos on social media accounts deemed offensive. They've been sent to jail for weeks and months at a time. As my colleague Maddy Kearns reported for *The Free Press*, British people have been arrested and convicted for "antisocial behavior," such as praying silently near abortion clinics. The Orwellian Big Brother punishing you for expressing an impolitic thought is now the law of the land in the land of Orwell.

In the European Union, the Digital Services Act bars the dissemination of any content deemed harmful or illegal but doesn't provide much clarity about what that is. Right now, EU officials are going after Elon Musk, threatening his platform X with fines because he endorsed the AfD (Alternative for Germany) Party in Germany. Make no mistake, a precedent is being set. In the future, other people with unpopular politics and agendas will be targeted.

Back in Canada, Liberal Party leaders, including the lame duck Justin Trudeau, have come up with tons of terrible ideas that would regulate what you can say or do. As I reported for *The Free Press*, they want to push the limits of censorship. One proposal would fine you for saying good things about fossil fuels, another proposal arresting people for hate crimes that have yet to be committed.

The ongoing political turmoil in Canada is the only reason these things have not yet happened. Understand this: There's nothing stopping the next liberal government from moving forward and making these proposals the law.

You may be thinking, well, that's a shame for the Australians or Canadians or Brits, or whoever, but we're not them. This is the United States, and we have a long, storied tradition of protecting First Amendment rights. American courts have ruled time and again on the side of the protestors, the flag burners, the neo-Nazis—the assumption being that, if the most offensive speech is protected, then all speech is protected.

Until recently, as you're no doubt aware, it was the Left in America that felt most passionate about defending those rights. Historically, the people who stood up for unpopular opinions were ACLU lawyers and academics. It was people on the Right who were less enthusiastic about the full-throated exchange of ideas.

Whatever the case, I'm a great admirer of Americans' affinity for free expression and I cannot stress enough how unique this conversation is, the one that we're having right now. In no other country that I'm aware of do people argue with such passion for our right to say, protest, or believe whatever we want.

I am worried because we live in an illiberal moment. This moment has been building for many years and there's many forces be-

hind it, social, political, and economic. For one thing, the Left has lost its passion for the First Amendment.

Now, it's true that there are plenty of conservatives who would prefer that school libraries not include books about gender fluidity or critical race theory. There are others who have gone so far as to ban authors like Toni Morrison or Margaret Atwood.

All that is wrong. I am less concerned about this trend than I am about the censorship that has happened under Joe Biden, in partnership with Washington and much of corporate America, including banks and social media companies. This partnership affects far more people than a relatively small number of school boards canceling Ibram Kendi's "How to Be an Antiracist." It's harder to detect.

When a school board removes a book from its shelves, there's usually a meeting and a public airing of ideas, of opinions. When Meta or the Bank of America decide that one of their users or account holders has voiced the wrong opinion, they can take action that the vast majority of us will never know about. They can suppress an algorithm, remove a book from the digital shelf and suspend a checking account. Which raises a very frightening prospect: We do not even know that our freedom is being taken away.

In case you think I'm overstating things, consider the relatively recent phenomena of debanking, which I've reported on for *The Free Press*, where big banks have quietly ended their relationship with customers who have unpopular opinions. Banks have targeted people on both side of the aisle, from President Trump's most fervent supporters to Muslim Americans, among others.

What's concerning isn't so much who has been wronged, but the creeping illiberal tide that has swept America over the last several years. The number of tech CEOs who attended President Trump's Inauguration gives me hope. I'm told this signals the dawn of a new era in America, a return to first principles.

Many of you may have misgivings about so many billionaires steering national policy, and for good reason, but if the billionaires coming around to President Trump means they're coming back to their Silicon Valley roots, and their belief in an unfettered marketplace of ideas, if this means that the shadow-bannings and mysterious manipulations on social media will stop, if this means that we can speak more freely now, then, well, that is a great thing. That is the most important because, as you know, all freedom stems from this freedom.

I'll leave you with this thought: The city on a hill that is America, with its abiding faith in people's right to speak freely and think freely, is as important today as it has ever been, maybe more.

At a time when we're told over and over that we're suffering through "late-stage capitalism," or that Western liberal values are wrongheaded, I want to emphasize that there's nothing wrong-headed about standing up for the liberties that you, the Americans, have so valiantly defended for so long, liberties that other peoples and governments are too cowardly to stand up for.

In some places, this commitment to liberty ebbs and flows. It has more to do with prevailing opinion or what's trending. The great wisdom of America has been always to rise above this, to ignore whatever was in or out of fashion, and to commit with unwavering

fervor to your first principles, principles that must be defended now more than ever.

Thank you.

[The prepared statement of Ms. Subramanya follows:]

### **Testimony of Rupa Subramanya**

What if I were to ask you—or the ordinary American—what are the most repressive governments around the world when it comes to freedom?

Who suppresses freedom of speech and enterprise the most?

You'd surely say North Korea. Iran. Russia. Maybe Zimbabwe.

But what if I told you Germany should be on that list? That France should be on that list—and many other EU countries? Oh, and that Canada, where I live, should be on that list, too?

I'm not saying those countries are the same as the fear-based, authoritarian societies of North Korea and Iran and Venezuela. Not by a long shot.

But I am suggesting that some of the free countries are not, in fact, living up to their promises of liberty. And that many allies of the U.S. have gotten in the habit of using the government against political enemies or disfavored companies.

In Scotland, hate crime legislation adopted last year criminalizes anything that "stirs up hatred" against an array of protected groups—including the disabled, the old, the LGBTQ community, and others.

In Australia, the government started enacting hate crime laws just last week that impose jail sentences on those who display hateful symbols, like swastikas.

In Germany, authorities have ramped up their policing of online hate speech, extremism, misogyny, and misinformation by arresting people who've made "offensive" posts, and seizing their

laptops and other devices. Last year, the German government banned a far-right magazine for “anti-human hate speech and agitation”, and shut down a protest because the protesters were Irish and speaking Gaelic, rather than English or German.

In the UK, the police have taken to arresting people who post videos on social media accounts deemed offensive. They have been sent to jail for weeks or months at a time. As my colleague Maddy Kearns reported for *The Free Press*, British people have been arrested and convicted for “antisocial behavior” such as praying silently near abortion clinics. The Orwellian Big Brother punishing you for expressing an impolitic thought is now the law of the land in the land of Orwell.

In the European Union, the “Digital Services Act,” adopted in 2022, bars the dissemination of any content deemed “harmful” or “illegal”—but doesn’t provide much clarity about what “harmful” or “illegal” entails. Right now, EU officials are going after Elon Musk, threatening his platform X with fines—because he endorsed the AfD Party in Germany. But make no mistake—a precedent is being set. In the future, other people with “unpopular” politics and agendas will be targeted.

In Canada, Liberal Party leaders, including the lame duck Justin Trudeau, have come up with tons of terrible ideas that would regulate what you can say or do. As I have reported for *The Free Press*, they want to push the limits of censorship. One proposal would fine you for saying good things about fossil fuels. Another proposal: arresting people for hate crimes that have yet to be committed. The ongoing political turmoil in Canada is the only reason these things have not yet happened yet. But understand: There is nothing stopping the next Liberal government from moving forward and making these proposals the law.

You may be thinking: Well, that's a shame for the Australians or Canadians or Brits or whoever, but we're not them. This is the United States, and we have a long, storied tradition of protecting First Amendment rights.

American courts have ruled time and again on the side of the protesters, the flag burners, the neo-Nazis—the assumption being that, if the most offensive speech is protected, then all speech is protected.

Until recently, as you are no doubt aware, it was the left wing in America that felt most passionately about defending those rights. Historically, the people who stood up for unpopular opinions were ACLU lawyers and college professors. It was people on the right who were less enthusiastic about the full-throated exchange of ideas.

Whatever the case, I am a great admirer of Americans' affinity for free expression, and I cannot stress enough how unique this conversation is—the one that we're having right now. In no other country that I'm aware of do people argue with such passion for our right to say or protest or believe whatever we want.

But I'm worried. Because we live in an illiberal moment.

This moment has been building for many years, and there are many forces behind it—cultural, political, and economic.

For one thing, the left has lost its passion for the First Amendment.

Now, it's true that there are plenty of conservatives who would prefer that school libraries not include books about gender fluidity or critical race theory. There are others who have gone so far as to ban authors like Toni Morrison or Margaret Atwood.

All that is wrong. But I'm less concerned about this trend than I am about the censorship that has happened under Joe Biden, in partnership with Washington and much of corporate America, including banks and social-media companies.

This partnership affects far more people than a relatively small number of school boards canceling, say, Ibram X. Kendi's *How to Be an Antiracist*.

And it's harder to detect. When a school board removes a book from its shelves, there's usually a school board meeting, a public airing of opinions. But when Meta or Amazon or PayPal or Bank of America decide that one of their users or account holders has voiced the wrong opinion, they can take action that the vast majority of us will never know about. They can suppress an algorithm, remove a book from the digital shelf, suspend a checking account.

Which raises a frightening prospect: We do not even know that our freedom is being taken away.

In case you think I'm overstating things, consider the relatively recent phenomenon of debanking—which I've reported on for *The Free Press*. It entails big banks quietly ending their relationship with customers who have unpopular opinions. Banks have targeted people on both sides of the aisle—from President Trump's most fervent supporters to Muslim Americans, among others.

What's concerning isn't so much who has been wronged, but the creeping illiberal tide that has swept America over the past several years.

But the number of tech CEOs who attended President Trump's recent inauguration gives me hope. I'm told this signals the dawn of a new era in America—a return to first principles. Many of you may have misgivings about so many billionaires steering national policy, and for good reason, but if the billionaires coming around to President Trump means they are coming back to their Silicon Valley roots and their belief in an unfettered marketplace of ideas, if this means that the shadow bannings and mysterious manipulations of the social media universe will stop, if this means that we can speak more freely now—then, well, that is a great thing.

That is the most important thing because, as you know, all freedoms stem from *this* freedom.

My parting thought: The city on a hill that is America, with its abiding faith in human beings' right to speak and think freely, is as important today as it has ever been. Maybe more. At a moment when we are told, over and over, that we are suffering through "late-stage capitalism" or that Western liberal values are hateful, or wrongheaded, I want to emphasize that there is nothing wrongheaded about standing up for the liberties that you, the Americans, have so valiantly defended for so long, liberties that other peoples and governments are too cowardly to stand up for. In some quarters, this commitment to liberty ebbs and flows—it has more to do with prevailing opinion or what's trending. The great wisdom of America has been always to rise above the ebbing and flowing, to ignore whatever was in or out of fashion, and to commit, with unwavering fervor, to your first principles. Principles that must be defended now more than ever.

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Chair JORDAN. Thank you. Mr. Shellenberger, you are recognized. I let Ms. Subramanya go a little long, but I hope you will stay a little closer to five. That was a make up for Mr. Raskin's statement, I think. Go right ahead.

#### **STATEMENT OF MICHAEL SHELLENBERGER**

Mr. SHELLENBERGER. Chair Jordan, Ranking Member Raskin, and the Members of the Committee, thank you for inviting my testimony.

Nearly two years ago, I testified and provided evidence to a Subcommittee of this Committee about the existence of a Censorship-Industrial Complex, a network of government agencies including the Department of Homeland Security, government contractors including the Stanford Internet Observatory, and Big Tech social media platforms that conspire to censor ordinary Americans and elected officials alike for holding disfavored views.

Today, the Censorship Industrial Complex is on the defensive. On January 20, 2025, just hours after his inauguration, President Donald Trump signed an Executive Order on Restoring Freedom of Speech and Ending Federal Censorship. One week earlier, Meta CEO Mark Zuckerberg announced we are going to dramatically reduce the amount of censorship on our platform. Zuckerberg announced that he and Meta would follow the lead of Elon Musk at X and create crowd sourced fact checking in his "Community Notes" to replace much of the fact checking the company had outsourced to others.

Thanks in large measure to work of this Committee, the Subcommittee on the Weaponization of Government last year, as well as to the investigative reporting by those of us here today, we were able to shine some light on some of the worst actors in the Censorship Industrial Complex such as the Stanford Internet Observatory, which I singled out in my testimony two years ago. In June of last year, the observatory shut down in response to our collective exposes.

Unfortunately, the Censorship Industrial Complex remains almost entirely intact in Europe, Australia, Britain, Brazil, and other Nations in the West continue to seek new forms of censorship and information control including digital identification tied to social media. My colleagues and I have been over two years into our research characterizing the Censorship Industrial Complex, and we continue to discover whole new institutions involved in censorship.

The latest is the United States Agency for International Development or USAID. Last October, we published a report that noted that USAID had funded the creation of a Censorship Industrial Complex in Brazil complete with third-party fact checkers, committees of experts in charge of deciding for the entire society what the truth is on any given issue. After I published the "Twitter Files—Brazil," last spring, the Attorney General of Brazil opened a formal, criminal investigation of me which is still ongoing.

In 2021, USAID even published a so-called "Disinformation Primer" that called for advertiser outreach to disrupt the funding of financial incentive to disinform. Such advertiser outreach was precisely the advertiser boycott strategy used by groups with ties to the U.S. intelligence community. Those groups with uncritical

support and amplification from the news media were able to use the strategy to successfully to get Facebook and Twitter to censor more content.

The European Commission appears intent on using its powers granted to it through the Digital Services Act to demand that X, Facebook, and other platforms censor speech. The Commission last year threatened to fine X up to six percent of its annual global revenue for failing to crack down on so-called false information and not giving handing over its data to small committees of experts, chosen by the Commission, to decide what is true and false.

To be sure, the momentum is with us, the free speech advocates. We have won a number of important battles over the last two years. It is also clear that many governing and media elites worldwide view expanding censorship of online platforms as a must-have, not a nice-to-have feature of global governance. The head of NATO, NATO-backed think tanks, the European Commission, former President Barack Obama, former Secretary of State Hillary Clinton, Bill Gates, the United Nations, the World Health Organization, the World Economic Forum, influential think tanks at Harvard and Stanford, elements of the DOD, the CIA, the FBI, the National Science Foundation, the Department of Homeland Security, and many others have all called for government censorship of so-called misinformation in recent years. It is not just censorship that is the problem. The problem is that deep State agencies within the U.S. Government have for two decades sought to gain control over the production of news and other information around the world, as part of ongoing covert and overt influence operations, and that after 2016, multiple actors in several deep-state U.S. Government agencies turned the tools of counterterrorism, counterinsurgency, and counterpopulism against the American people.

I strongly urge Congress to defund the Censorship Industrial Complex and seek a proper accounting of the various efforts to fund it, including secretly through pass-through organizations and shell organizations like the ones employed by USAID to fund groups like OCCRP and hide U.S. Government funding and control. I further urge Congress to seek other ways to reduce the exposure of American social media users and companies to the threat of censorship from Europe, Britain, Brazil, and other Nations. We should respect national sovereignty, but Vice President Vance makes a good point when he asks why Americans should be spending our wealth and putting our lives on the line for Western European NATO members who are actively demanding censorship by American companies of our speech. Thank you very much.

[The prepared statement of Mr. Shellenberger follows:]

**PUBLIC**

## The Censorship-Industrial Complex, Part 3: The Foreign Threat

Testimony by Michael Shellenberger to The House Committee  
on the Judiciary for a hearing on "The Censorship-Industrial  
Complex"

February 12, 2025

Chairman Jordan, Ranking Member Raskin, and members of the Committee thank you for inviting my testimony.

Nearly two years ago, I testified and provided evidence to a Subcommittee of this Committee about the existence of a Censorship Industrial Complex, a network of government agencies, including the Department of Homeland Security, government contractors, including Stanford Internet Observatory, and Big Tech social media platforms that conspired to censor ordinary Americans and elected officials alike for holding disfavored views.

Today, the Censorship Industrial Complex is on the defensive. On January 20, 2025, just hours after his inauguration, President Donald Trump signed an Executive Order on "Restoring Freedom of Speech and Ending Federal Censorship," which said the following: "Over the last 4 years, the previous administration trampled free speech rights by censoring Americans' speech on online platforms, often by exerting substantial coercive pressure on third parties, such as social media companies, to moderate, deplatform, or otherwise suppress speech that the Federal Government did not approve."<sup>1</sup>

One week earlier, Meta CEO Mark Zuckerberg announced, "We're going to dramatically reduce the amount of censorship on our platform." Zuckerberg's announcement came after he sent an open letter to you, Mr. Chairman, last August, in which he confirmed that "senior members from the Biden Administration, including the White House, repeatedly pressured our teams for months to censor" Covid content. In the same letter, he acknowledged that the FBI programmed Facebook executives to censor a New York Post article about Hunter Biden laptops for being supposed Russian disinformation even though the FBI knew it was authentic.<sup>2</sup>

Zuckerberg announced that he at Meta would follow the lead of Elon Musk at X and create crowd-sourced fact-checking, known as Community Notes, to replace much of the fact-checking the company had outsourced to others. In his video, Zuckerberg openly discussed the problem of "censorship," using that word, or the word "censor," nine times. "We're going to get rid of a bunch of restrictions on topics like immigration and gender that are just out of touch with mainstream discourse," he said.

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<sup>1</sup> President Donald Trump, Executive Order, "Restoring Freedom Of Speech And Ending Federal Censorship," *The White House*, January 20, 2025.

<sup>2</sup> Mark Zuckerberg, "Letter to Jim Jordan," August 26, 2024, retrieved from <https://www.americanrhetoric.com/>.

And, thanks in large measure to the work of this Committee's Subcommittee on the Weaponization of Government last year, as well as to the investigative reporting by those of us here today, we were able to shine sunlight on some of the worst actors in the Censorship Industrial Complex, such as the Stanford Internet Observatory, which I singled out in my testimony two years ago. In June of last year, the Observatory shut down in response to our collective exposés.<sup>3</sup>

Unfortunately, the Censorship Industrial Complex remains almost entirely intact, and Europe, Australia, Britain, Brazil, and other nations in the West continue to seek new forms of censorship and information control, including digital identification tied to social media. My colleagues and I are over two years into our research characterizing the Censorship Industrial Complex and we continue to discover whole new institutions involved in censorship.

The latest is the United States Agency for International Development, or USAID. Last October we published a report that noted that USAID had funded the creation of a Censorship Industrial Complex in Brazil, complete with third-party "fact checkers," committees of experts in charge of deciding for the entire society what the truth is on any given issue.<sup>4</sup> And, after I published the Twitter Files - Brazil, last spring, the Attorney General of Brazil opened a formal criminal investigation of me, which is ongoing.<sup>5</sup>

In 2021, USAID even published a so-called "Disinformation Primer" that called for "advertiser outreach" to "disrupt the funding and financial incentive to disinform."<sup>6</sup> Such "advertiser outreach" was precisely the advertiser boycott strategy used by groups with ties to the US intelligence community. These groups, with uncritical support and amplification from the media, were able to use this strategy to successfully get Facebook and Twitter to censor more content.

Britain is in the midst of a fresh crackdown on free speech rights doing things that Americans rightly find shocking, including sending police officers to interview people in their homes about things they said on Facebook. Like

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<sup>3</sup> Michael Shellenberger, Victory! Stanford Shuts Down Censorship Operation, *Public*, June 14, 2024.

<sup>4</sup> Phoebe Smith, Alex Gutentag, Eli Vieira, and David Agape, "The Role of the U.S. Government in Brazil's Censorship Industrial Complex," *Civilization Works*, October 1, 2024.

<sup>5</sup> Michael Shellenberger, "I Am Under Criminal Investigation In Brazil For Telling The Truth. That Won't Stop Me From Going," *Public*, September 4, 2024, <https://www.public.news>.

<sup>6</sup> "Disinformation Primer," *United States Agency for International Development*, February 2021, retrieved from <https://web.archive.org>.

other governments, it claims that censorship is necessary to protect democracy, explaining that "the growing presence of disinformation poses a unique threat to our democratic processes and to societal cohesion..."<sup>7</sup> George Orwell could not have written it better.

Meta can go further in its commitment. The company's new guidelines still disallow people to insult another person's intellect or mental health, which could easily be abused for increased censorship. And Facebook will keep its fact-checking-based censorship model in Europe.<sup>8</sup>

And the European Commission appears intent upon using its powers granted to it through the Digital Services Act to demand that X, Facebook, and other platforms censor speech. The Commission last year threatened to fine X up to 6% of its annual global revenue for failing to crack down on false information and not giving handing over its data to small committees of "experts," chosen by the Commission, to decide what is true and false, and what should be censored.<sup>9</sup>

To be sure, the momentum is with free speech advocates. We won a number of important battles over the last two years. Toward the end of last year, Senators in Ireland and Australia, both, rejected censorship legislation. The European Commission forced its top censor, a former defense contractor from France, to step down after he warned Elon Musk not to speak to Donald Trump on X, suggesting that doing so might violate European laws. Vice President JD Vance said it would be "insane that we would support a military alliance [NATO] if that military alliance isn't going to be pro-free speech."<sup>10</sup> And just last weekend, the Brazilian government ended its censorship of the social media platform Rumble.<sup>11</sup>

But it's also clear that many governing and media elites worldwide view expanding censorship of online platforms as a must-have, not a nice-to-have feature of global governance. The head of NATO, NATO-backed think tanks,

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<sup>7</sup>"Draft Statement of Strategic Priorities for Online Safety," *Department for Science, Innovation & Technology*, November 20, 2024, retrieved from <https://www.gov.uk/>.

<sup>8</sup> Csongor Körömi, Pieter Haeck and Daniella Cheslow, "Zuck goes full Musk, dumps Facebook fact-checking program," *Politico*, January 7 2025, <https://www.politico.eu>.

<sup>9</sup> "Commission sends preliminary findings to X for breach of the Digital Services Act," *European Commission*, July 11, 2024, <https://ec.europa.eu/>.

<sup>10</sup> "JD Vance - 50th Vice President," *Shawn Ryan Podcast*, September 11, 2024, retrieved from YouTube <https://www.youtube.com/watch?v=HrgmwtpAsWc>; Rebecca Rommen, JD Vance suggested the US's support for NATO could be pulled if Europe tries to regulate Elon Musk's X as free speech debate rumbles on, *Business Insider*, September 21, 2024.

<sup>11</sup> Didi Rankovic, "Rumble's Brazil Comeback Signals a New Chapter in the Speech Wars," *Reclaim the Net*, February 10, 2025, <https://reclaimthenet.org/>.

the European Commission, President Barack Obama, former Secretary of State Hillary Clinton, Bill Gates, the UN, the World Health Organization, the World Economic Forum, influential think tanks at Harvard and Stanford, elements of the DOD, the CIA, the FBI, the National Science Foundation, the Department of Homeland Security, and many other have all called for government censorship of so-called "misinformation" in recent years.

In his most recent Netflix documentary, Gates called for using AI to impose mass censorship. "The U.S. is a tough one because we have the notion of the First Amendment," he said. But he then added, "If you're causing people not to take vaccines, even the US should have rules. And then if you have rules, you know, what is it? Is there some AI that encodes those rules? Because you have billions of activity and, you know, if you catch it a day later, the harm is, is done." And Gates called for the end to online anonymity. "I don't think in the future you'll want to get mail that comes from an anonymous source because whatever you see there might be designed just to mislead you. You're going to want to be in an environment where the people are truly identified."

And it's not just censorship that is the problem. The problem is that deep state agencies within the US federal government have for two decades sought to gain control over the production of news and other information around the world, as part of ongoing covert and overt influence operations, and that after 2016, multiple actors in several deep state US government agencies turned the tools of counterterrorism, counterinsurgency, and counterpopulism against the American people.

While the Censorship Industrial Complex and the broader information control agenda are on the defensive, many appear to be retreating to Europe to mobilize the DSA against American companies, and return to press for censorship again in the future, perhaps under a different administration. The US government funds some of the organizations that signed the EU's "code of practice on disinformation," or are involved in enforcing the DSA censorship. They include NewsGuard, the Global Disinformation Index, GLOBSEC, CEE Digital Democracy Watch, Debunk EU, Demagog, Reporters without Borders, Maldita, Logically AI, and Bellingcat.<sup>12</sup>

We saw the US and UK government agencies work together during Covid to pursue identical strategies on censorship. Now, the UK government is

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<sup>12</sup> Ailum Bokhari & Oscar Buynevich, "22 US-Funded Organizations Drive The EU's War on Tech Companies," Foundation for Freedom Online, February 8, 2025.

cracking down further. Last week it demanded that Apple create a backdoor that would allow the government read the encrypted messages and data of any iPhone user anywhere, not just in Britain.<sup>13</sup>

To understand the threat, we need to take a closer look at how various groups turned foreign policy into a domestic Censorship Industrial Complex.

### From Foreign To Domestic Policy

In my March 2023 testimony before the House Select Committee on the Weaponization of the Federal Government, I described the emergence of the “Censorship Industrial Complex” comprised of a vast and coordinated network of government agencies, academic institutions, and private organizations that had been working together to suppress lawful speech under the guise of combating “misinformation” and “disinformation.”

Drawing a parallel to President Eisenhower’s warning about the Military-Industrial Complex, I noted how this taxpayer-funded Complex operated outside of traditional democratic accountability. The Department of Homeland Security (DHS) in particular instigated an effort to set up first an “Election Integrity Partnership” in 2020 and a “Virality Project” in 2021 to “flag misinformation” for social media companies, which then censored a significant share of posts.

The Stanford Internet Observatory, the Atlantic Council’s Digital Forensic Research Lab, the University of Washington’s Center for an Informed Public, and Graphika collaborated with intelligence agencies and major tech platforms to identify and suppress narratives deemed politically inconvenient. This included pressuring platforms like Facebook and Twitter to suppress posts that were factually accurate but deemed politically undesirable—such as information about COVID-19 vaccine side effects, which Facebook itself admitted were “often true.”

Activities originally justified as countering foreign propaganda and terrorism quickly expanded into domestic censorship of American citizens, journalists, and elected officials. I noted that the CIC does not engage in open debate but rather blacklists and suppresses dissenting views, often labeling factual information as misinformation to justify censorship. I concluded by

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<sup>13</sup>Christina Maas, “UK Government Secretly Orders Apple to Build Global iCloud Backdoor, Threatening Digital Privacy Worldwide,” *Reclaim the Net*, February 7, 2025, <https://reclaimthenet.org/>.



calling for Congress to defund the Censorship Industrial Complex, mandate transparency in communications between government agencies and tech companies, and limit the broad legal protections that currently allow platforms to suppress speech under Section 230.

In my November 2023 testimony before the same subcommittee, I noted that the problem was worse than I had initially understood. A whistleblower had given me the internal files from the Cyber Threat Intelligence League (CTIL). They showed that in 2019, U.S. and UK military and intelligence contractors were developing and deploying psychological operations (psyops) tactics, originally designed for foreign adversaries, against the American people.

I noted then that the CIC was not just about censorship. It was a deliberate effort to discredit and deplatform individuals, often branding them as threats for simply expressing views that contradicted the government's preferred narratives. A whistleblower confirmed that this censorship framework was intentionally designed to evade First Amendment protections by outsourcing it to "private" entities that were, in reality, funded and directed by the federal government.

Since then, I and others have documented the concerted effort by USAID to create or take control of independent investigative reporting databases and networks around the world to wage influence operations, cause regime change, and possibly gather intelligence under false pretenses. The explicit goal has been to make investigative journalists dependent on US government funding, and for that funding to come with strings attached, including US government approval of what is investigated and who does the investigating.<sup>14</sup>

We still do not know how much money other US government agencies have routed to censorship advocacy, in part because they hide the money

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<sup>14</sup> "The OCCRP's 2017 annual report asserts that there is a need for a global investigative force to verify facts in the public interest: 'we aim towards two significant global goals. The first is the establishment of a data commons: a massive repository of verified facts, mostly publicly available, that will form the basis of investigative work not just for media organizations but also NGOs, lawyers, and concerned citizens. The second is the creation of a trust for investigative reporting that will help to secure the long term sustainability of non-profit public interest media' (OCCRP, 2017)."

S. Candea, "Cross-border Investigative Journalism: a critical perspective" *PhD thesis University of Westminster Westminster School of Media and Communication, 2020*, <https://doi.org/10.34737/v402w>.

through multiple shell organizations. An investigative journalist from Romania in 2021 denounced USAID for “hiding the flow of media development money” to supposedly independent journalists around the world through an “offshore structure... US public money -> Delaware -> Eastern Europe -> Sierra Leone -> Mexico.”<sup>15</sup>

The CIA whistleblower whose complaint became the basis for the 2019 impeachment of President Trump relied upon reporting by a supposedly independent investigative news organization called the Organized Crime and Corruption Reporting Project (OCCRP), which appears to have effectively operated as an arm of USAID.<sup>16</sup> In a censored 2024 documentary by German television broadcaster NDR, a USAID official confirmed that USAID approves OCCRP’s “annual work plan” and approves new hires of “key personnel.”<sup>17</sup>

The journalistic collaboration behind the documentary revealed that OCCRP’s original funding came from the Bureau of International Narcotics and Law Enforcement Affairs of the State Department and quotes a USAID official who says, OCCRP founder Drew Sullivan is “just nervous about being linked with law enforcement. If people who are going to give you information think you’re just a cop, maybe it’s a problem.”<sup>18</sup> It appears that this was the beginning of OCCRP’s practice of hiding US government funding.

OCCRP does not operate like a normal news organization. Its goals appear to include interfering in foreign political matters, including elections, with an eye toward causing regime change. Sullivan told NDR that his organization had “probably been responsible for five or six countries changing over from one government to another government... and getting prime ministers indicted or thrown out.”<sup>19</sup>

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<sup>15</sup> Stefan Candea, Abysces of “Innovation”: How Journalism NGOs Hijacked the “Democratization of Romania” *erliner Gazette.de*, June 23, 2021, <https://berlingazette.de>.

<sup>16</sup> Aubrey Belford and Veronika Melkozerova, “Meet the Florida Duo Helping Giuliani Investigate for Trump in Ukraine,” *OCCRP*, July 19, 2019, <https://www.occrp.org>.

Anonymous CIA whistleblower complaint, August, 12, 2019, retrieved from <https://games-cdn.washingtonpost.com/notes/prod/default/documents/3b5487de-f987-4cef-b59b-c29bb67687ac/note/ef3465c1-465b-4e68-9b36-08b5946b0df4.pdf#page=1>

<sup>17</sup> “OCCRP,” *NDR*, December 16, 2024, uploaded by lauren\_robin retrieved from Dalek Zone <https://dalek.zone/w/xiUiomMZxRCvp3Z3GtK9sT?start=0s>.

<sup>18</sup> Ryan Grim, et al., “A Giant of Journalism Gets Half its Budget From the U.S. Government,” *Drop Site News*, December 2, 2024 <https://www.dropsitenews.com/>.

<https://www.dropsitenews.com/p/occrp-budget-funding-us-government-usaid>

<sup>19</sup> Ibid.

As such, it appears that the CIA, USAID, and OCCRP were all involved in the impeachment of President Trump in ways similar to the regime change operations that all three organizations engage in abroad.<sup>20</sup>

This one example fits the pattern. The government employees and contractors who have engaged in information operations and censorship advocacy over the last decade have been overwhelmingly focused on silencing populists. That is as true in the United States as it is in Europe and Brazil.

Two years ago, I described the reasons for this. Since then, our understanding of the development of the Censorship Industrial Complex over the last two years has deepened.

The short version is this. After World War II, the US government took responsibility for implementing an international, rules-based order. The result was relative peace and stability, but also a large foreign policy establishment referred to pejoratively as “the blob.”

At the top of the pecking order is, of course, the president of the United States, and with him, the Secretary of State and the National Security Council making foreign policy decisions. Agencies, including the CIA, and later USAID, exist to support the foreign policy as set by the president.

Over time, USAID and the foreign policy blob developed many government-funded “non-governmental organizations” to promote peace and stability and advocate for a particular agenda created in the Washington, D.C. area. The experts within those think tanks and other institutions derived legitimacy from their specialized knowledge, technocratic expertise, and scientific management techniques.

Many of those within the State Department, USAID, the CIA, and their intermediaries and contractors engaged in so-called “information warfare” in the Middle East starting in 2011 and Eastern Europe in 2014 to promote regime change. They used social media as a tool for shaping opinion and mobilizing people into the streets.

Over time, members of America’s managerial class and civil service living in the Washington, D.C. area came to view themselves as borderless international cosmopolitans, sharing more in common with other elites around the world than with fellow Americans. The working class, small business owners, and other non-professional groups became problems to be solved,

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<sup>20</sup> Michael Shellenberger and Alex Gutentag, “Both USAID And The CIA Were Behind The Impeachment Of Trump in 2019,” *Public*, February 5, 2025, <https://www.public.news>.

rather than citizens to work alongside. By the early 2000s, elite professionals and managers, including those in the blob, had become deeply disconnected from the American people generally and the working class particularly.

The election of Trump in 2016 triggered an immune reaction from the professional information warriors with America's deep state agencies and the blob. In response to the populist threat, the managerial elite in government and their professional allies in journalism, academia, and civil society doubled down on censorship, propaganda, and narrative control. Patriotism, nationalism, and traditional beliefs, elites argued, were hateful, proto-fascistic, and in need of correction. As state bureaucracies sought ever greater powers of social engineering and information control, they sowed further distrust and animosity.

Elites turned against the rules-based order they claimed to uphold, working to erode free speech, democracy, and civil liberties in the name of preserving them. They started to openly demand and fund the censorship of conservative and other disfavored voices, particularly populist ones.

One of the groups that has most aggressively demanded censorship of social media is the UK-based Institute for Strategic Dialogue (ISD). Since 2016, ISD has received \$6 million from the State Department to combat hate, including speech.<sup>21</sup> In October of 2024, the US Justice Department gave ISD \$2 million for activity targeting "hate speech."<sup>22</sup>

The ISD, like many other groups that have been advocating censorship, was founded decades ago. Those groups likely look at the recent election of Trump, his Executive Order, and the new policies at X and Facebook, as temporary setbacks in their mission to control the information environment. They are thus likely to regroup and keep their organizations operating until a new opportunity, perhaps a crisis of one kind or another emerges that would allow them to make the case for censorship anew.

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<sup>21</sup>US Government, Office of Management and Budget, "Institute for Strategic Dialogue," Retrieved February 10, 2025, from USASpending.gov <https://www.usaspending.gov/recipient/55eb7ef7-f15e-ab9d-adb0-0314bf103c45-R/all>.

<sup>22</sup>US Government, Office of Management and Budget, "Project Grant," Retrieved February 10, 2025, from USASpending.gov [https://www.usaspending.gov/award/ASST\\_NON\\_15PBJA24GG02835ADVA\\_1550](https://www.usaspending.gov/award/ASST_NON_15PBJA24GG02835ADVA_1550).

## The Way Forward

I strongly urge Congress to defund the Censorship Industrial Complex and seek a proper accounting of the various efforts to fund it, including secretly through pass-through organizations and shell organizations, like the ones employed by USAID to fund OCCRP, and hide US government funding and control.

I further urge Congress to seek other ways to reduce the exposure of American social media users and companies to the threat of censorship from Europe, Britain, Brazil, and other nations. We should respect national sovereignty. But Vice President Vance makes a good point when he asks why Americans should be spending our wealth and putting our lives on the line for Western European NATO members who are actively demanding censorship by American companies of speech.

I urge Congress to pass legislation that would disallow American tech companies from giving encryption backdoors to the UK government or any government. The goal should be to create a “conflict of laws” so that Apple can fight the U.K. government’s authoritarian demand and protect the privacy of its users, worldwide.

Working together, we have made significant progress in exposing, characterizing, and publicly shaming the Censorship Industrial Complex for its work. Censorship is deeply un-American, unethical, and unconstitutional. We are glad to see the end of the Stanford Internet Observatory, the exposés of its work with the DHS, and the bad behavior of NSF, FBI, and other government agencies.

The election of Donald Trump as president, his executive order, and the stated and demonstrated support for free speech by Elon Musk and Mark Zuckerberg all put the wind to the backs of free speech advocates. I urge Congress to remain alert to the threat of censorship from Europe, Brazil, and other nations and to see through to its very end the defunding, once and for all, of the thought police.

Chair JORDAN. Thank you.

Mr. Taibbi, you are recognized for five minutes.

#### STATEMENT OF MATT TAIBBI

Mr. TAIBBI. Thank you, Mr. Chair. Two years ago, when Michael and I first testified before your Weaponization of Government Subcommittee, Democratic Members called us so-called journalists, suggested we were bought-off scribes, and questioned our ethics and our loyalties. When we tried to answer, we were told to shut up, take off our tin foil hats, and remember two things: (1) There is no digital censorship. (2) If there is digital censorship, it is for our own good.

I was shocked. I thought the whole thing had to be a mistake. There was no way the party that I gave votes to my whole life was now procensorship. Then last year, I listened to John Kerry, whom I voted for, talk to the World Economic Forum. Speaking about disinformation he said, "Our First Amendment stands as a major block to our ability to hammer it out of existence." He complained that it is really hard to govern because people self-select where they go for their news, which makes it much harder to build consensus.

Now, I defended John Kerry when people said he looks French, but Marie Antoinette would have been embarrassed by this speech. He was essentially complaining that the peasants are self-selecting their own sources of media. What is next? Letting them make up their own minds?

Last, building consensus may be a politician's job, but it is not mine as a citizen or as a journalist. In fact, making it hard to govern is exactly the media's job. The failure to understand this is why we have a censorship problem. This is an Alamo moment for the First Amendment. Most of America's closest allies, as both Rupa and Michael have pointed out, have already adopted draconian speech laws. We are surrounded. The E.U.'s new Digital Services Act is the most comprehensive censorship law ever instituted in a Western democratic society.

Ranking Member Raskin, you don't have to go as far as Russia or China to find people jailed for speech. Our allies in England now have an Online Safety Act, which empowers the government to jail people for nebulous offenses like false communication or causing psychological harm. Germany, France, Australia, Canada, and other Nations have implemented similar ideas. These laws are totally incompatible with our system. Some of our own citizens have been harassed or even arrested in some of these countries, but our government has not stood up for them. Why? Because many of our bureaucrats believe in these laws.

Take USAID. Many Americans are now in an uproar because they learned about over \$400 million going to an organization called Internews, whose Chief, Jeanne Bourgault, boasted to Congress about training hundreds of thousands of people in journalism, but her views are almost identical to Kerry's. She gave a talk once about building trust and combating misinformation in India during the Pandemic. She said that after months of a really beautiful unified COVID-19 message vaccine enthusiasm rose to 87 percent. When mixed information on vaccine efficacy got out, hesitancy en-

sued. We are paying this person to train journalists, and she doesn't know the press does not exist to promote unity or political goals like vaccine enthusiasm. That is propaganda, not journalism.

Bourgault also once said that,

To fight bad content, we need to work really hard on exclusion lists or inclusion lists and really need to focus our ad dollars toward the good news.

That is what she called it.

Again, if you don't know the fastest way to a road trust in media is by having government sponsor exclusion lists, you shouldn't be getting a dollar in taxpayer money, let alone \$476 million of it. The USAID is just a tiny piece of the censorship machine that Michael and I saw across that long list of agencies. Collectively, they have bought up every part of the news production line: Sources, think tanks, research, fact checking, antidisinformation, commercial media scoring, and when all else fails, straight up censorship. It is a giant closed messaging loop whose purpose is to transform the free press into exactly that consensus machine. There is no way to remove this route surgically. The whole mechanism has to go.

Is there Right-wing misinformation? Hell yes. It exists in every direction, but I grew up a Democrat and don't remember being afraid of it. At the time, we figured we didn't need censorship because we thought we had the better argument. Obviously, many of you lack the same confidence. You took billions of dollars from taxpayers, and you blew it on programs whose entire purpose was to tell them they are wrong about things they can see with their own eyes. You sold us out. Until these rather tiresome questions are answered, this problem is not fixed. Thank you.

[The prepared statement of Mr. Taibbi follows:]

Testimony by Matt Taibbi on Censorship and Free Speech  
February 12, 2025

Thank you, Mr. Chairman.

Two years ago, when Michael and I first testified, Committee Democrats called us “so-called journalists,” suggested we were bought-off “scribes,” and questioned our ethics and loyalties. When we tried to answer, we were told to shut up, take off our tinfoil hats, and remember two things: there’s no censorship, but whatever government is doing, it’s for our own good.

I was shocked and thought the whole thing had to be a mistake. No way the party I gave votes to all my life was pro-censorship. Then last year I listened to John Kerry, who I voted for, talk to the World Economic Forum:

“It’s really hard to govern,” he said. “The referees we used to have to determine what’s a fact and what isn’t a fact have kind of been eviscerated... people self-select where they go for their news... it’s really, really hard, much harder to build consensus...”

He talked about curbing disinformation and added, “our First Amendment stands as a major block to the ability to be able to just hammer it out of existence.”

I defended Kerry when people accused him of “looking French,” but this was beyond Marie Antoinette. The peasants are “self-selecting” media. What’s next, letting them make up their own minds? And you wonder why you lost the last election!

A lack of consensus is inconvenient for politicians, and I’m sure there are times when you’d all like to “hammer” trust into place. But the First Amendment is designed to protect us from exactly that decision. Many of you forgot this.

This is an Alamo moment for the First Amendment. Most of America’s closest allies have already adopted draconian laws chipping away at it. The EU’s new Digital Services Act is the most comprehensive censorship law ever instituted in a democratic society. England, a country whose historical aversion to pure speech freedom is the reason we have a First Amendment, now has an Online Safety Act empowering government to jail people for nebulous offenses like “false communication” or causing “psychological harm.”

These laws are totally incompatible with ours. Our own citizens have been arrested in some of these countries, but our government hasn’t stood up for them. Why? Because our bureaucrats still believe in these laws.

Which brings us to USAID. Americans are in an uproar because they learned about over \$400 million going to an organization called Internews, whose chief Jeanne Bourgault boasted to



Congress about training “hundreds of thousands of people.” Her views are almost identical to Kerry’s.

Bourgault once said that to fight “bad content,” we need to “work really hard on exclusion lists or inclusion lists” and “really try to focus our ad dollars” toward “the good news.”

First of all, if you don’t know the fastest way to erode “trust” in media is by having government create “exclusion lists,” you shouldn’t be getting one dollar in taxpayer money, let alone \$476 million. And USAID is just a tiny piece of a censorship machine Michael and I saw across a long list of agencies, which have bought up every part of the news production line: sources, think-tanks, research, “fact-checking,” “anti-disinformation,” media scoring, and when all else fails, censorship.

It’s a giant closed messaging loop, whose purpose is to beat the free press into a consensus machine. There’s no way to remove the rot surgically. The whole mechanism has to go.

When Bourgault talks about pushing dollars toward the “the good news” Americans know what that means. It’s *you should get the shot, Putin is bad, J6 was an insurrection, don’t question climate change*, and so on.

Meanwhile “Bad content” is defined as “divisive rhetoric,” which often is just a synonym for uncomfortable truths: *Healthy kids don’t die from Covid, lockdowns were a bad idea, Trump isn’t a Russian agent, and Biden can’t write his name in the ground with a stick*. Some of this country’s highest-paid journalists are *still* afraid to say these things out loud. It’s pathetic.

Is there “right-wing misinformation”? Hell yes. It exists in every direction. But I grew up a Democrat and don’t remember being afraid of it. At the time, we didn’t need censorship because we figured we had the better argument.

Obviously, some of you lack that same confidence. You took billions from taxpayers and blew it on programs whose entire purpose was to tell them they’re wrong about things they can see with their own eyes. No wonder your approval ratings are lower than psoriasis.

YOU SOLD US OUT. Shame on you.

Thank you.

Chair JORDAN. Thank you, Mr. Taibbi.  
Mr. Aaron, you are recognized for five minutes.

#### STATEMENT OF CRAIG AARON

Mr. AARON. Good morning and thank you for inviting me to testify today. To my understanding, this hearing is motivated by concerns over free speech, censorship, government interference with private companies, and the influence of billionaires who control our media system. I share these concerns. I worry about government censorship which is what the First Amendment protects us against. I worry about collusion between government officials and powerful tech executives. I worry about algorithmic discrimination used to push partisan agendas or spread hate. I worry about independent journalists and whistleblowers being attacked, harassed, doxxed, or muzzled for asking hard questions or simply reporting facts. We should all be worried right now because we are facing a true free speech emergency.

Elon Musk, the owner of X and one of the richest men in the world, is now embedded inside the Federal Government, unelected, and apparently unaccountable to anyone. He is a special government employee with all the privileges of a high-ranking official, but no regard for transparency or the laws of this Congress. Musk also has shocking conflicts of interest and a giant social media megaphone that he uses to threaten and retaliate against his critics. With his power to distort narratives and spread falsehoods, he is fueling a Constitutional crisis.

Inside the government, Musk is attempting to tear down vital institutions, sabotage essential programs, carry out personal vendettas, and terrify civil servants. He sent a gang of hackers to breach core government systems, giving him unfettered and unprecedented access to our most sensitive information. Yet, the Members of this Committee tasked with oversight, have been blocked from even entering Federal Government buildings to investigate. Journalists trying to tell the public about the so-called Department of Government Efficiency are being harassed at Musk's instigation or threatened with prosecution by the U.S. Attorney. These government employees are actively trying to suppress speech about government activities. This is a free speech emergency, and it is not the only one.

Brendan Carr, the Chair of the FCC, wants to revoke broadcast licenses because he doesn't like the viewpoints he sees on TV. That is censorship. The FCC has also threatened news organizations over editorial decisionmaking, reporting on law enforcement, and basic fact checking. The FCC is now threatening to block a merger sought by CBS at the same time that President Trump is suing the company for \$20 billion because he didn't like how 60 Minutes edited an interview with the former Vice President. Big media and tech companies, *Disney*, *ABC*, *Meta*, maybe now *CBS*, are paying tens of millions of dollars to settle specious lawsuits. They appear to be paying off the President to shield themselves from reprisal or to gain regulatory favors.

Social media companies too are making drastic changes to content in response to the new administration. Meta, for example, went from promising to step away from politics, to actively pushing

the President's agenda after Mr. Trump threatened Mark Zuckerberg with life in prison. If you were concerned about low-level officials sending emails to social media staffers five years ago, then you should actually be worried when all the billionaire owners of these companies line up on the dais of the President's inauguration, clutching million dollar checks to show their loyalty.

The Trump Administration is using the power of the government to shake down the media and quash dissent. This country was founded on the premise that our public sphere and our free press should be protected against government manipulation or retribution, including from the President or from special government employees.

I am a former journalist. I am sitting here on a panel with journalists, and I may not agree with them, but I will defend their right to speak and write without fear of intimidation and harassment by government officials. Without fear of unlawful government surveillance for simply speaking to their sources, without fear of unconstitutional retaliation. I hope we can agree on that. I hope we can set aside our differences and speak out against true government censorship no matter who is in power. Free speech is not reserved for certain viewpoints. Free speech isn't meant to just protect the rich and powerful. Free speech isn't just for billionaires. The First Amendment protects everyone's freedom and free expression, and we must defend it. Thank you.

[The prepared statement of Mr. Aaron follows:]



Written Testimony of

**Craig Aaron**  
**President and Co-CEO**  
**Free Press Action**

Before the

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

Regarding

**“The Censorship-Industrial Complex”**

February 12, 2025

### 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.<sup>1</sup>

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.<sup>2</sup>

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.

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<sup>1</sup> 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.

<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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<sup>3</sup> 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).

<sup>4</sup> 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.<sup>5</sup> Musk has seemingly unchecked power and a giant social-media megaphone to amplify his perspectives.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>

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

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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*”).

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> 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.”<sup>9</sup> 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.”<sup>10</sup>

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.”<sup>11</sup> 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.<sup>12</sup> One noted cybersecurity expert called the actions of Musk’s team “the most consequential security

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<sup>9</sup> 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).

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

<sup>11</sup> 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).

<sup>12</sup> 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.<sup>13</sup> 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.”<sup>14</sup>

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.<sup>15</sup> DOGE’s actions have been characterized by administrative-law experts as “wildly illegal” and “nothing short of an administrative coup.”<sup>16</sup> 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.<sup>17</sup>

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

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

<sup>15</sup> 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).

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

<sup>17</sup> 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.<sup>18</sup> 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.”<sup>19</sup>

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.”<sup>20</sup> 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.<sup>21</sup> 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.

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

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

<sup>20</sup> “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).

<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup>

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.<sup>24</sup> 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.<sup>25</sup>

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

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<sup>22</sup> David Shephardson, *FCC chair rejects Trump call to pull ABC licenses over presidential debate*, Reuters (Sept. 19, 2024).

<sup>23</sup> 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).

<sup>24</sup> Kelcee Griffiths, *FCC Tosses News Bias Complaint Over Harris 60 Minutes Clip*, Bloomberg (Jan. 16, 2025).

<sup>25</sup> 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).<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup> 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.”<sup>31</sup> The libertarian magazine *Reason* concurred, writing: “Carr's interest in

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

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

<sup>28</sup> 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).

<sup>29</sup> 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).

<sup>30</sup> 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).

<sup>31</sup> *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.”<sup>32</sup>

### **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.<sup>33</sup> 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.”<sup>34</sup>

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

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

<sup>33</sup> Carr Letter on NewsGuard and the Censorship Cartel, Federal Communications Commission (Nov. 13, 2024).

<sup>34</sup> 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.”<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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

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

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

<sup>37</sup> 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.<sup>38</sup>

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.<sup>39</sup> That's not a sign of a healthy democracy.

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<sup>38</sup> 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).

<sup>39</sup> 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.<sup>40</sup> The president has a long history of targeting the media and retaliating against reporters whose coverage he dislikes.<sup>41</sup> He most recently called for *60 Minutes* to be “terminated.”<sup>42</sup>

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.

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<sup>40</sup> 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).

<sup>41</sup> *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).

<sup>42</sup> 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).



Chair JORDAN. Thank you, Mr. Aaron. We will now move to five-minute questions, under the five-minute rule I should say, and the gentleman from California, Mr. Issa, is recognized.

Mr. ISSA. Thank you, Mr. Chair. Mr. Taibbi, Mr. Aaron went on for five minutes and the feel and the fact was he said multiple times that if you are a billionaire, you are not qualified to do what has made you a billionaire. If you are a billionaire, you are corrupt. Now, he was particularly assaulting Elon Musk.

Let me just go through a couple of quick questions. First, Elon Musk, would you say that he is best known as rich or successful?

Mr. TAIBBI. Probably both. Depends on who you ask.

Mr. ISSA. Did he, in fact, reinvent launch, so that we went from the inefficiency where we were paying the Russians to basically put our people in space to today, 92 plus percent of all launches in the world are SpaceX and they are done for a fraction of the cost?

Mr. TAIBBI. Yes, that is my understanding.

Mr. ISSA. OK, so you are a journalist, not an employer, per se, but if you were going to employ somebody to take costs out of something, would you find someone that reinvented financial transactions, and then went on to reinvent space launch, and then went on to reinvent the automobile, and did all those successfully before he was my age?

OK, now as a journalist, you do look at who in government does what and you have done it globally, but particularly you are an expert in the U.S. How many elected officials look at tax returns or government documents directly? I mean how many elected officials do that for the United States Government?

Mr. TAIBBI. I don't know. I would like to know.

Mr. ISSA. Officially, the number is zero.

Mr. TAIBBI. Oh, is it?

Mr. ISSA. It is 100 percent done by career bureaucrats. In fact, nobody elected does the basic work of searching data bases and doing that. It just isn't part of the system. The reality is that almost all the dives are either done by career people or people like Deloitte or PricewaterhouseCoopers. The fact is looking for government inefficiency, we have spent billions of dollars inefficiently looking for government inefficiency for decades. Isn't that true?

Mr. TAIBBI. Yes, I did a story on the failed audit of the DoD that concluded yes, we had spent a ton of money on those audits and no effect.

Mr. ISSA. Right. So, we paid outside auditors, including some of the world's best and they have basically thrown in the towel as far as actually making a permanent change. So, when the President has a group of individuals go in with career people in the room, and look for it and they find it, is that a reason to go nah-nah-nah, he is a billionaire, rather than nah-nah, this is a disrupter of industries. It is proven that he can take massive amounts of costs out of doing things and as a result, the United States of America would benefit by its money going further?

Mr. TAIBBI. Representative Issa, some of these falls outside of my area of expertise.

Mr. ISSA. It falls outside Aaron's, too, that is why I am bringing the point to you. Let me go to something that is in your expertise. As a journalist, if you took the many words and phonemes of a half

hour or hour interview and cut and pasted them to create a completely different set of answers to questions, what would you be doing?

Mr. TAIBBI. Yes, typically, that is a kind of deceptive editing. I think that was the issue in the 60 Minutes case.

Mr. ISSA. Wouldn't you call it outright fraud if a person says X and you print Y? Wouldn't you be sued for it if you maliciously and deliberately changed the outcome to affect an election potentially on behalf of a candidate?

Mr. TAIBBI. It kind of depends on the situation, but I think most organizations would be embarrassed to be caught doing that kind of thing.

Mr. ISSA. Wasn't 60 Minutes and CBS embarrassed when they got caught?

Mr. TAIBBI. Well, they settled in the case apparently, so I think that speaks to that.

Mr. ISSA. So, in other words, they were embarrassed.

Mr. TAIBBI. It would seem that way from the outside.

Mr. ISSA. Well, I am glad you are here today, and I just want to note for the record and ask that it be placed in the record. Last week, we put another piece of legislation in with Reps Salazar, Baumgartner, and Gill, that in fact, specifically provides for foreign government officials who engage in censorship of American speech to be inadmissible or deported and I look forward to that going through the Committee on a bipartisan basis. I yield back.

Chair JORDAN. The gentleman yields back. The Chair will recognize the gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chair. Mr. Chair, President Trump has launched an all-out assault on the press. Don't take my word for it. Here is the President himself.

[Video played.]

The President says we have to straighten out the press. That should be chilling to anyone who believes in the First Amendment. The Trump Administration is already targeting media outlets who refuse to praise the President. Yesterday, the White House barred the *Associated Press* from the Oval Office because the news organization simply declined to change its style guide to call the Gulf of Mexico the Gulf of America. Trump himself has made it abundantly clear that he thinks any journalist who dares to criticize him is an enemy of the people. He has even threatened to revoke the broadcast licenses, we just saw that, of news organizations that criticize his administration.

This assault on free speech is being orchestrated by Trump's pick for FCC chair, Brendan Carr, a Right-wing coauthor of Project 2025. Carr is using his position to punish the news outlets that diverge from the White House's approved narrative, acting in violation of the Constitution, Federal law, and the FCC's own mission, Chair Carr has decided to use the agency to harass and intimidate news organizations to strengthen the White House's talking points. One of Carr's first actions was to revive three complaints made to the FCC by a conservative group, The Center for American Rights against ABC, CBS, and NBC for their critical coverage of President Trump. For the record, there was a complaint that Carr didn't revive. Of course, it was a claim made against *Fox News*, a news or-

ganization that agreed to pay an \$800 million settlement to a private company, Dominion Voting Systems, and admitted to promoting false claims of fraud during the 2020 election related to the company's voting machines.

Mr. Aaron, what message is Brendan Carr and the administration sending by investigating *ABC*, *CBS*, and *NBC*, but not *Fox News*?

Mr. AARON. Thank you, Congressman, for the question. I think this is a blatant abuse of power from Commissioner Carr. He is saying we are coming for you at the same time the President is literally negotiating a multibillion lawsuit settlement, and he has pulled out all the stops. He said, "I might not approve your merger." He said, "I want to see the transcripts." He has come back again and again and again. I just imagine when a Democratic FCC Chair thought about like hey, could we do an independent local study, everyone was up in arms. Here we have the Chair of the FCC saying I am going to use the power of my office to squeeze these news organizations either to settle or change or transform their coverage simply because the President and Mr. Carr don't like it. That is textbook government censorship.

Mr. NADLER. Thank you, Mr. Aaron. The former Chair of the FCC, Mr. Carr's predecessor, Jessica Rosenworcel, said these complaints seek to weaponize the licensing authority of the FCC in a way that is fundamentally at odds with the First Amendment. To do so would set a dangerous precedent. She also warned that the agency should not be the President's speech police.

When Mr. Carr was before the Oversight Committee last Congress, he was asked a very simple question. If the President directed the FCC to revoke *ABC* or *NBC*'s broadcast license because he felt they were being unfair to him, would you comply? The answer should have been a simple resounding no. Yet, Mr. Carr repeatedly refused to answer.

Mr. Aaron, what do you see as some of the most dangerous actions this administration is currently taking to attack the freedom of the press and to silence critics of this administration?

Mr. AARON. Well, Mr. Nadler, I appreciate you lifting up the FCC because this is an agency that people don't necessarily know a lot about, but has an incredible amount of power over the public airways, over the wires that bring us our cable television, and so far, in his short time in office, Chair Carr has used that position to go after journalists, to file these very threatening letters questioning how individual reporters are covering stories of national importance to really abuse this power in ways that we have never seen before. The FCC usually talks about licenses on very narrow terms. If an owner has committed major crimes, maybe there will be an investigation into their license.

The idea that a news organization could be threatened because they asked a tough question of the President, because they tried to facts check him during a debate, because they edited their own news content before putting it out over the airwaves is preposterous and it is dangerous. It does really warrant the attention of this Committee because it is quickly getting out of hand. He is expanding this. He has started to go after cable companies to inves-

tigate their internal corporate practices. This is all happening and it only seems to be speeding up.

Mr. NADLER. Thank you. Mr. Chair, I yield back.

Chair JORDAN. The gentleman yields back. Mr. Shellenberger, is the press afraid to attack President Trump?

Mr. SHELLENBERGER. No.

Chair JORDAN. I mean he can look at the front page of *Politico*. Every headline is an attack on President Trump. That is what the Ranking Member of the Subcommittee just said, are you afraid? It is a ridiculous argument. I recognize the gentleman from Arizona.

Mr. BIGGS. Thank you, Mr. Chair. Two days ago, Senator Chuck Schumer created an online portal for Federal employees to disclose wrongdoing and abuses of power. In a way I am kind of glad he did this because I have been here for a while and there is a plethora of abuses of power I have seen, particularly in the area of censorship.

So, at the top of my complaint list would probably be Joe Biden and his staff because they continually pressured large social media platforms to change their content moderation policies to have a built-in bias system against any speech which even had a hint of criticism against the Biden Administration.

We do know one thing. Censorship can occur through an agent, through a direct link to government contact even though it is a private entity that is censoring. We know that from the case law that has come out. Here we have Facebook admitted that it started censoring posts about COVID originating from a Chinese lab and content critical of the vaccine after tense conversations with the Biden-Harris Administration in which they were told to do more to combat speech which has since been verified as true.

Facebook officials describe one White House advisor as outraged that Facebook didn't remove a meme. It was a joke about COVID-19. The White House advisor was Andy Slavitt. He would go on my list of people that you complain against.

President Biden himself said that Facebook was killing people for not taking down this type of content which caused Facebook to change its policies further. Facebook employees would later say that this decision stemmed from the continued criticism of our approach from the Biden Administration. Mark Zuckerberg even told Joe Rogan that people from the Biden Administration would call us our team and scream at them and curse to take down things that were true. The White House employed the same kind of pressure campaign with YouTube, Amazon, and other platforms. We can also include Anthony Fauci in this list since he perpetuated falsehoods about everything from the vaccine, social distancing, masks, and more. He demanded that these social media companies clamp down on anyone, including qualified scientists who dared say anything that was contradictory of him.

The new CISA, headed by Jen Easterly, went out of her way to report posts on platforms which they thought were too much against the administration's narrative. There is the FBI who ordered platforms to censor the *New York Post's* story about Hunter Biden's laptop despite knowing that the story was true because they had possession of the laptop. We could go on and on.

I want to—this notion here is that after this Committee’s oversight and we did some good oversight, President Trump’s resounding victory, the entities that I have just mentioned, CISA the FBI, and the DHS’ cybersecurity have all stopped their direct censorship activities.

What do you think, Ms. Subramanya, how do we know that this is true? How do we know that they have stopped their censorship activities?

Ms. SUBRAMANYA. Sorry. Who has stopped their censorship activities?

Mr. BIGGS. Well, allegedly the FBI, CISA, and the DHS’ Cybersecurity Bureau.

Ms. SUBRAMANYA. Well, we don’t know. We don’t know anything for sure, and I think this administration is only getting started by investigating these agencies. I think my own personal view on this is that it’s essentially baked into the system right now and it’s going to be very hard to get rid of these tools of censorship. Oftentimes, they’re—there’s shape-shifting, if you want to use that term—they’re recast into different tools, but essentially it’s the same tools of censorship that go after individuals.

As I reported on de-banking, I’m very, very happy that this administration is finally paying attention to this very important issue of ordinary Americans being censored, being cutoff the financial grid for having unpopular opinions. I believe there was a Senate Banking Committee hearing last week that I heard from witnesses on the issue of de-banking, which I reported on. That’s pretty scary.

I’m very, very happy that this attention is finally getting—this issue is finally getting the attention it deserves. Hopefully, average Americans will not get de-banked in the future, but we don’t know anything for sure. It’s still too early.

Mr. BIGGS. Thank you. I want to just comment on—Mr. Aaron has said—in his written statement he is defining censorship as requiring government action and yet—to get First Amendment protection. Yet, the *Murthy v. Missouri* case, which said that the plaintiffs did not get protection because they could not directly link the actions of government officials to their instances of censorship.

That is very different than the *Vullo* case, *NRA v. Vullo*, where the courts in an unanimous opinion said because they could show a direct link. That is the critical issue here. We know that the Biden Administration; we could show that direct link, that they were causing censorship, they were—and this is the *Vullo* case—relying on the 1963 case, they were using coercive tactics to get censorship. That is the distinction, Mr. Aaron.

Thank you, Mr. Chair.

Chair JORDAN. The gentleman yields back.

The gentleman recognizes the Ranking Member.

Mr. RASKIN. Thank you, Mr. Chair.

Mr. Aaron, in November your co-witness Mr. Taibbi went on Chris Cuomo’s show and said one of his great concerns was, quote,

There’s going to be an enormous temptation within the Trump Government to do things like going after media organizations they don’t like. And they can’t do that. If they end up doing that, it’s going to be a disaster.

Has the disaster arrived?

Mr. AARON. I believe we're witnessing it right now. It's underway and speeding up.

Mr. RASKIN. What is the evidence of that?

Mr. AARON. Well, we talked already about the problems at the FCC. I think what we're seeing is incredibly powerful government officials using their power and their pulpit to go directly after news organizations. President Trump called for 60 Minutes to be, quote, "terminated." Mr. Musk has gone after individual reporters who are trying to cover what DOGE is doing.

We don't know what DOGE is doing. There's very little public information available and yet reporters who dare to actually ask who are these people, what are they doing, why do they have access to our most important personal information—when that happens, here comes Mr. Musk, a government employee, but also the head of a social media company, coming after individual reporters. Those are some of the things that I am incredibly concerned about, and there are many others who are saying they're going to come after journalists including the nominee of the head of the FBI.

Mr. RASKIN. All four witnesses have spoken about the dangers of State censorship, but also the dangers of big tech censorship. With Elon Musk now appointed a special government employee, although he has not filled out his ethics forms or gotten a conflict-of-interest waiver—I hope, Mr. Chair, we will get a chance to work on that. Do we believe now that the dangers of State censorship have merged with the dangers of big tech censorship?

Mr. AARON. I'm obviously very concerned because it's one thing for the government to express its viewpoints and say we wish you would do this or we wish you would do that. It's quite another for this kind of merger and full-on collusion happening. We were worried about the government—this Committee was very worried about the government in the previous administration putting pressure on Twitter. Now, we have the head of X working inside the government to actually take apart government computer systems. That would seem to rise to a higher level of concern.

Mr. RASKIN. Right. Before people were worried because some nameless, faceless bureaucrats would write a memo saying there is election disinformation; it needs to be corrected. They thought that this was a First Amendment violation, although the courts ended up rejecting that. In any event, they didn't like the government even warning of factual disinformation being warned of online. Now, what we have got is the head of X, the owner of X, who controls all of that speech, being part of the government itself. Yet, a lot of people aren't uttering a peep about that. Why is it?

Mr. AARON. Well, I have to ask in some cases where are they getting their news? Are they hearing about it? I have questions about that. I think people are outraged. I see people every day here in Washington with signs saying, "Why is Elon Musk's hands on my data?" I talked to my cab driver—

Mr. RASKIN. I know there are millions of people in America outraged. I am talking about my colleagues who couldn't stop talking about a handful of memos that were written to the social media about factual disinformation. They were upset about that. Now, we have got an absolute merger of the social media State with the traditional governmental apparatus.

Look, I am not sure I understand what my colleagues' position is on whether there should be free speech on social media sites or not. For several years they campaigned to get sites like X and Facebook to remove fact checking on their sites. It sounded like what they were saying is we want a radical open free market in speech, no censorship for anything: Racism, sexism, anti-Semitism, fraudulent speech, whatever, not because they endorsed that speech, but because what they were saying was we just want a radically open free market.

Then Elon Musk takes over X. He kicks off journalists who are critical of him or Donald Trump, he kicks off Texas Observer journalist Steven Monacelli, Ken Klippenstein of the Intercept, podcaster Rob Russo, progressive political groups he doesn't like. So, now X is flooded with all the racist, anti-Semitic filth, the misogyny, all kinds of studies about how it is dramatically through the roof. Yet, he is getting rid of political speech he disagrees with and my colleagues have nothing to say about that. Is that the Right approach to free speech if you think free speech is at stake on the social media?

Mr. AARON. Absolutely not, Congressman. I mean, as we talked about repeatedly in this hearing, we need free speech for everyone. We need to protect free expression. So, if Elon Musk is doing something, this Committee is concerned about, if Elon Musk and Donald Trump are colluding to pressure media companies, they should be just as concerned; I would argue more concerned given the evidence than they have been in the many hearings covered here about low-level employees—low-level staffers.

Mr. RASKIN. Right. Mr. Taibbi tweeted to Elon Musk. He said,

Elon, I've repeatedly declined to criticize you, and I have nothing to do with your beef with Substack. Is there a reason why I'm being put in the middle of things?

He said, "Am I being shadow banned?" His answer from Elon Musk was, "You are dead to me. Please get off Twitter and just stay on Substack."

I yield back to you, Mr. Chair.

Chair JORDAN. The gentleman yields back.

The gentleman from California is recognized.

Mr. MCCLINTOCK. Thank you, Mr. Chair. The Democrats complain that Mr. Musk is an unelected bureaucrat. Well, I remind them that every bureaucrat is unelected. That is why the elected President is solely vested with the Executive powers of the Federal Government. There is no bureaucrat that is independent of the President. That would mean that they are independent of the people, which is the very definition of a tyranny.

Mr. Musk is accountable to the President who in turn is then accountable to the people. The threat that we face is unelected bureaucrats who are working contrary to the will of the people as expressed through the Presidential election.

It seems to me that the beating heart of a democracy is our freedom of speech. That is how a free society sorts truth from lies, and right from wrong, and wisdom from folly. Americans have always believed that the way to do that is put the two of them side by side and trust the American people to tell the difference. They have done a good job of that in 250 years.

It is clear to me that in the last four years the Democrats attempted to install themselves rather than the American people as the arbiters of what is true and right and wise. What we saw was the power of government focused on muzzling their opposition and preventing the democracy from working.

I'm particularly concerned about the coordinated suppression of the story of the Hunter Biden laptop because a post-election polling in which respondents said that they—if they had seen that information during the election, it would have changed their vote, and in numbers that would have changed the outcome of the Presidential election. That is election interference on a historic scale and about a clear threat to democracy as it gets.

I remember a story of a retiring law professor who said that for many years he would begin his course on the First Amendment by telling the joke of an American and a Soviet talking about freedom of speech in their countries. The American said, "Well, we have the right to say whatever we want about our government officials." The Soviet replied, "Well, so do we except the officials don't let us lie about them." He said that always got a big laugh in his classrooms until the last few years. That is what I find very shocking about what has occurred in our society.

Now, I agree with the Democrats that we need to be just as vigilant in defending speech we disagree with that is essentially true, something that they were unwilling to do themselves during the last four years that they held power.

Now, Mr. Taibbi, you have talked about this before. I have often said we must never allow the Left to become our teachers, but you saw this transition firsthand, and you have spoken out about the importance of freedom of speech on all sides. Would you care to elaborate?

Mr. TAIBBI. I'm sorry. I'm a little—thank you for the question, Mr. Congressman. This sudden adopting of the free speech religion is a little jarring. Obviously, you're very concerned about things that Elon Musk may be doing, or Donald Trump may be doing, but where was that concern when White House officials were pressuring Twitter to remove *The New York Times* reporter Alex Berenson, who was ultimately taken down for saying an absolutely true statement, which was that the vaccine does not prevent infection or transmission? That case is still going through the courts. Where was that concern when the *New York Post* was locked out of its own account for two weeks for an absolutely true story about Hunter Biden's laptop?

Mr. MCCLINTOCK. Two of the most consequential issues that affect the lives of every American are the debates over climate change and the debate over COVID and how to respond to it, and yet the government worked overtime to suppress contrary opinions.

Mr. Shellenberger, you mentioned that one thing we need to do is defund the institutions that are suppressing speech, and I couldn't agree more. Let me ask you, what else should we be doing right now? What legislation should we be pursuing to enshrine the First Amendment freedoms that the Left waged war against these years?

Mr. SHELLENBERGER. Well, thank you for asking, Congressman. It's really—we don't have accountability yet. We don't have the



files. We don't even—we don't know what really happened. We have some of the files of what's occurred, but just on the Hunter Biden laptop case you had a sophisticated influence operation being operated by the FBI through the Aspen Institute to pre-bunk, which is code for brainwash, journalists and the social media censors in advance of the story coming out. That is next-level manipulation going on by—illegal by the FBI. We don't have any of the files on that.

The most pressing threat right now is from Europe. The censorship industrial complex is sort of retreating into Europe. They want to weaponize their Digital Services Act. As a taxpayer, as an American that's—whose life and my family's life is on the line to protect Europe, I don't know what I'm doing if I'm trying to defend a continent that wants to suppress freedom of speech for their own people and for the entire planet.

Mr. MCCLINTOCK. Well, my time is expired, but I would be very interested in the thoughts of our panelists on what additional actions the government can take. You are saying defund them and get to the bottom of it. I couldn't agree more. Then what? Thank you.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Thank you, Mr. Chair.

Appreciate all the witnesses, the outstanding testimony. The lady from Canada, I want to welcome you. You are our first witness from the 51st State.

This hearing is interesting because, breaking news, Joe Biden lost the election. Not going to run ever again. This Committee's hearing—and I mean some good can come out of looking about what happened, and some of the things weren't proper, but Joe Biden is gone. We need to be looking at what is happening right now, and what is happening right now is we have a Constitutional crisis.

This is the Judiciary Committee where the Constitution should not be something we think of as something we study in school, but something we defend and protect against all enemies, foreign and domestic. Right now it is being attacked.

The rule of law is—Ms. Subramanya, I think they quoted you and said something about special—something about our core, what is at stake is our core values. What is at stake is our core values, the rule of law. This Committee is doing nothing about it. We should be concerned about the rule of law, concerned about the Constitution, concerned about the truth. We are not doing that. We have a great problem.

The American people thought that they were going to elect a government that get involved with inflation, reduce the price of eggs, make their daily lives better, end the war in Ukraine on day one. None of that has happened. Instead, we have gone off on all this stuff. We have got a guy we call a "Special Government Employee," which sounds too much like a special military operation. That is kind of a scary term, but that is what we have got.

They talk about waste, fraud, and abuse. They say it all the time, but they don't show us the waste, fraud, and abuse. They just say they have discovered it, and they are finding it and whatever,

all this—it is just there are policy differences, particularly with USAID, not necessarily waste, fraud, and abuse.

Mr. Taibbi, I think you said that they can't do it surgically. If Mr. Musk is such a genius, and he is a damn smart boy. X is a smart boy, too. They were the two smart ones in the room the other day. You do it surgically. You don't do it with a sledgehammer. He is doing it with a sledgehammer, and a gorilla can do it with a sledgehammer. A genius has to be surgical.

You can say USAID's programs that are humanitarian purposes and medical purposes, and providing food, working against hunger, and all kind of problems we see in Africa with HIV/AIDS and PEPFAR—you can keep those programs, which is the abundance and majority of USAID. Instead, we are threatening them.

Elon Musk took over Twitter, and I can tell you, I have been a Twitter user. I got more anti-Semitic comments on Twitter since he took over by far. I had some before he took over, but just a small amount. Now, almost every time I post anything on Twitter I am going to get something about Jew, go back to Israel, we don't need your type, Cohen, oh, yes, Cohen. I am sick of that. Musk allows it. Go to BlueSky.

He has ruined Twitter. He went through that with the same tactics he is going through the U.S. Government. The fork in the road. Getting rid of people and firing so many people. Twitter has been ruined. It was a marketplace for ideas. It no longer is. It is a mouthpiece for the extreme Right and for Musk.

Musk has not shown him to be able to understand the government and speak the truth. When we had the continuing resolution up last December Musk said, "the bill allocated \$3 billion to build a new football stadium in Washington." It didn't allocate any money for a football stadium. He said it emphatically, "\$3 billion." He said, "There was going to be a 40-percent salary increase for Congresspeople." No. It said there would be a cost-of-living adjustment of three percent.

On USAID, he reposted as to Donald, Jr., a post that was eventually found out to come out from a Russian operative, that said that, "Ukraine paid \$20 million for celebrities like Angelina Jolie, Sean Penn, Ben Stiller to come to Ukraine." False. They didn't pay anything for them.

They said that we spent—Musk said, "\$50 million," Trump "\$100 million, on condoms in Gaza for Hamas." That is not truth. There was seven million, as all USAID spends all over, and that is for helping on HIV/AIDS. The Gaza they spent some money on was Gaza in Mozambique. They can get on a map and see the Gulf of America, but they can't find out what is going on in Africa. That is going to be the largest growing continent in the world.

I am just concerned about the truth. I am concerned about Musk. I am concerned about DOGE. I am concerned about this employee who they wanted to bring back, and I think they did, who said,

Just for the record, I was racist before it was cool. You could not pay me to marry outside of my ethnicity. We want to normalize Indian hate. And that is not Tonto, that is an entire country. And I would not mind at all if Gaza and Israel were both wiped off the face of the earth.

That is a real nice character. That is who they took up as their champion.

Thank you, sir. I yield back the balance of my time.

Chair JORDAN. The gentleman yields.

The gentleman from Wisconsin is recognized.

Mr. TIFFANY. Thank you, Mr. Chair.

At the end of your testimony, Mr. Taibbi, it says, “No wonder your approval ratings are lower than psoriasis.” By the way I have had a few bouts of it. It is nasty stuff. You said, “You sold us out.” Explain what you were saying at the end of your testimony.

Mr. TAIBBI. Many of the programs—thank you for the question, Mr. Congressman. Many of the programs that Michael and I reported on in the Twitter files, these are taxpayer-funded programs that are being spent to remove the speech of the taxpayers themselves, or to encourage platforms that take down content of the taxpayers. Most people would disagree with that allocation of resources.

I am hearing a lot about Elon Musk. Does that mean that I should be in favor of the Department of Homeland Security partnering with Stanford University to do a mass flagging program ahead of the 2020 election where the speech of ordinary citizens was taken down? These are two are completely separate issues, but it’s an institutional problem.

We have created all these institutions: The Global Engagement Center is one, Counter Misinformation Program, the FBI’s Foreign Influence Task Force, and the Cybersecurity Infrastructure Security Agency. These are all big institutions that are part of the government that are directed toward this exact activity and it has to be shut down for us to get back to an absolutely free press environment.

Mr. TIFFANY. On March 9, 2023, I believe you were in this building testifying and the IRS knocked on your door. Give us a retrospective, if you could do it kind of briefly; we got other questions here. Give me a retrospective as you look back on that incident two years ago.

Mr. TAIBBI. Yes, I came back from testifying before this Committee. On the train my wife told me that the IRS had left a note on my door. They had knocked while I was testifying. This again is why I’m finding it funny that people are suddenly concerned about the harassment of journalists. I don’t remember any of you saying anything when this happened at the time.

Mr. TIFFANY. You think it is a coincidence?

Mr. TAIBBI. We subsequently learned thanks to Chair Jordan who reached out to the Treasury that this case was opened on me on December 24, 2022, when probably the most consequential Twitter files report that I dropped was published. It was a Saturday, and it was Christmas Eve. I don’t think the IRS is usually working that day.

Mr. TIFFANY. Ms. Subramanya, in regard to Section 230 of the Communications Decency Act might it be useful if the liability shield that is currently in place be conditioned on companies to make sure that they adhere to a free speech standard? You think there maybe should be changes made to Section 230 to make sure that free speech is protected?

Ms. SUBRAMANYA. I’m not familiar with this legislation. What is the liability shield?

Mr. TIFFANY. Mr. Shellenberger, would you like to take that question?

Mr. SHELLENBERGER. Sure. I've testified in front of the Senate and written a White Paper on this issue. I think that Section 230 should be reformed. If you're going to offer the sweeping liability protection, then I think that adult users of social media platforms should be able to choose and filter their own legal content. I've said that publicly quite a bit before. I haven't found a lot of interest in either party for that proposal, but I do think that's the best way. Certainly, you can still have a feed that the social media platforms choose to feed you, but I do think there should be that option for people to choose their own content.

Mr. TIFFANY. You say in your testimony psy-op tactics being used by the U.S. and U.K. military against the American people. That is really scary stuff reading that. Could you elaborate, because I think the American people need to hear—they need to hear about this.

Mr. SHELLENBERGER. Yes, we now know what happened, which is that basically after the War on Terror the United States used counterterrorism, counterinsurgency, counter-populism tactics first in the Middle East as part the Arab Spring uprisings, then in the Eastern Europe as part of the Colour Revolutions, using social media to foment revolutions against places that we wanted a regime change, and then using censorship in places to repress conflicting opinion, in places that we were trying to stabilize. Those tactics were then turned against the American people after the Populist Revolutions of 2016.

First, you saw Russiagate, the wild conspiracy theory that President Trump was somehow controlled through a sex blackmail operation by the Russians. Then we also saw a very elaborate effort to do exactly what they had done abroad creating small committees of experts to decide what the truth was and demand censorship on the basis of it.

I also mentioned there's also these proactive influence operations, the most dramatic of which is the Hunter Biden laptop, severely illegal. We also saw the mobilization of the intelligence community. Now, in the latest article that we published today we have documented that the Agency for International Development has overseen basically a takeover of the last decade-and-a-half of independent investigative journalism in Europe and around the world through OCCRP and supposedly independent journalism organizations with an eye to basically controlling the information and controlling the major news media that do investigative journalism.

Mr. TIFFANY. Thank you, Mr. Chair. Mr. Chair, thank you so much for the work that you have done over the last couple Congresses on this issue.

Chair JORDAN. I appreciate it. The gentleman yields back.

I think the gentlelady from California is recognized.

Ms. LOFGREN. Thank you, Mr. Chair.

Donald Trump is a litigious individual. He is quick to sue news organizations that try and hold him to account. He is also the Commander in Chief who appears to be using every weapon in the Federal Government's arsenal to go after those same news organizations. He is currently suing in his private capacity *CBS* for \$20 bil-

lion, but at the same time his FCC Chair Brendan Carr is investigating *CBS* while Mr. Trump, President Trump is calling on him to go ever further and to revoke *CBS*'s license because he didn't like the coverage that they gave. He is doing all this while Paramount, *CBS*'s parent company, is in merger talks with billionaire Trump super donor David Ellison.

So, Mr. Aaron, can you help us understand how these actions by President Trump and his administration might send a chilling message to news organizations?

Mr. AARON. Yes. The message the administration is sending is pay up and get in line. They've repeatedly—President Trump as a private citizen filed these lawsuits, but President Trump is no longer a private citizen. He's sitting in the Oval Office using the power of that office and of his appointees to go after the same companies he's filed lawsuits against. That's outrageous. On terms that are almost unthinkable.

We're talking about editing a video. We're talking about asking some fact checking questions. We're talking about unbelievably normal operations of news organizations reporting on the activity of law enforcement. All First Amendment protected things that these news organizations are doing.

Yet, under the Trump Administration the message is if you're not in line, if you're not singing from the our hymnal, we're going to come after you with the force of the government. That's what we should be concerned about. That's where it crosses over from the concerns of an individual saying I didn't like what you did to actual censorship and government power being abused.

Ms. LOFGREN. Well, it is not just what you have said in December. *ABC* agreed to settle a \$16 million lawsuit by Mr. Trump and his foundations, and then just last month paid \$25 million to settle what honestly as a lawyer seemed to me a pretty ridiculous four-year-old lawsuit. Just last July, Mr. Trump threatened to throw Mark Zuckerberg in jail. Then, after he won Zuckerberg went down to Mar-a-Lago, had dinner with him where Mr. Trump told him he could be brought into the tent. Then, of course, Zuckerberg then settled the lawsuit brought against them for four years ago. Meta settled for \$25 million. That is on top of the \$2 million Meta and Zuckerberg contributed to the inauguration.

It looks like these companies are agreeing to make these payments to Donald Trump in kind of a pay-to-play measure. What do you think, Mr. Aaron?

Mr. AARON. I agree with your analysis, Congresswoman. It looks like they're making payoffs. These were not cases—the lawyers that looked at them, the law professors that looked at them when they were filed said these are completely specious. These are outlandish. These are not actually viable cases. Yet, now that Mr. Trump is in office so many of these media companies are lining up writing checks for tens of millions of dollars to a sitting President either to say please take the target off our back or to seek major regulatory favors like a mega merger.

I don't support a mega merger, but the idea that the cost of getting that merger done is altering your editorial content or having to respond to your other business interests challenged, your licenses taken away, it's unbelievable. It's outrageous.

Ms. LOFGREN. Well, I agree with you, Mr. Aaron. I am not sure whether the President is shaking down these corporations or whether they are offering him bribes because they realize that if they pay the right price, they will get their way, but it is clear to me that there are these outrageous settlement payments to the President and his foundations—are really incompatible with the free press.

Can you explain, Mr. Aaron, what happens to a free and fair press, to journalism when media organizations and the President are engaged in this type of pay-to-play? Is this something that other media organizations are going to pay attention to? What is the impact on the eco-structure?

Mr. AARON. Well, I do think there's a danger that they follow each other's leads, right? What we would like to see in this case is these media companies actually standing up for their rights and actually fighting these cases in court. They've made, I would say, very unfortunately business decisions, that they have decided the cost of settling because it's advantageous to other parts of their business is better than actually defending the First Amendment and free speech.

That's a huge problem because they are signaling to this administration, hey, if you don't like something you see and you file a lawsuit, you're probably going to get paid, or they're saying, wow, we don't want to go anywhere near that because we might face one of these outlandish lawsuits.

Ms. LOFGREN. My time is expired, Mr. Chair. I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Kentucky is recognized.

Mr. MASSIE. Thank you, Mr. Chair.

Mr. Shellenberger, last Congress, you helped expose censorship grants at the National Science Foundation, specifically known as Track F grants. Can you tell us more about those censorship activities conducted associated with these grants?

Mr. SHELLENBERGER. Yes. The National Science Foundation's Track F was basically to create censorship tools that would become the middleware to, such as, *NewsGuard*, for example, is the most famous of which, or the Global Disinformation Index. The idea is to essentially impose on people's systems, either directly through their computers or adopted by social media companies, a set of tools that would allow centralized authorities to decide what the truth was and filter it for people.

It is a horrifying program. All Track F, in my view, should be eliminated, and I think there should be an investigation to figure out, what in the world were they thinking when they created a program to basically have the taxpayers subsidize the creation of elaborate censorship tools that included the use of AI in creating that censorship?

Mr. MASSIE. So, taxpayers are actually paying for the government to help private companies censor their free speech?

Mr. SHELLENBERGER. Yes, then the idea was that they were just going to give these tools to Facebook, X, and others to use or to give them to Microsoft and others to use. It is awful stuff. By the way, it also came from the Department of Defense, so much of those NSF grants are sort of recycling older DARPA DOD projects.

Mr. MASSIE. When I coached T-ball, the kids shared helmets. So, occasionally, there would be an outbreak of lice, and we would comfort the parents by saying it is not a sin to get lice; it is a sin to keep lice. So, with these Track F grants—later today, I plan to reintroduce my bill to eliminate those.

I want to make a plea to the White House and anybody in the Executive Branch who is listening or anybody at DOGE. You need to go after these Track F grants and defund anything that says mis-, dis-, or malinformation. Those are all, in my opinion, Orwellian terms.

Also, we have an omnibus coming in March where I am scared to death that we are going to refund all these things; we are basically going to feed the lice that were contracted in the last administration. This isn't just limited to NSF grants. The Cybersecurity and Infrastructure Security Agency, CISA, within DHS is a flagrant violator of free speech. It had things like Election Integrity Partnership.

Mr. Taibbi, can you tell us anything about this, what is going on at DHS or CISA?

Mr. TAIBBI. Yes. So, CISA was the—well, as we found in the Twitter files, the Election Integrity Partnership was run by Stanford. It had four partners, including the Center for an Informed Public, University of Washington, Graphika, and the Atlantic Council's Digital Forensic Research Labs. They partnered with CISA and the Global Engagement Center at the State Department. We found in the Twitter files—and also, Chair Jordan also found—some emails basically saying that this EIP project was founded at the behest of DHS.

So, essentially, EIP was a CISA-created project or was a CISA sort of sponsored project. It is essentially a content moderation removal operation that was sponsored by the American taxpayer.

Mr. MASSIE. Another example of American taxpayers unwittingly knowing—well, unwittingly, without knowing—funding their own violation or deprivation of their First Amendment rights.

Mr. Shellenberger, can you explain how you traced USAID funding that served as the basis for a whistleblower report in 2019, which led to the impeachment of President Trump?

Mr. SHELLENBERGER. Sure. Well, you may remember that the so-called whistleblowers in the White House were actually a CIA analyst. In that whistleblower's complaint which led to the impeachment, one of the central pieces of evidence was created by a USAID-funded and controlled organization called the OCCRP. We have another piece out today about how it participated in the Russiagate hoax, as well, creating essentially very important information leading to that.

So, you have in USAID a much larger fund of money and a much broader strategy for information control that included censorship but also, as I mentioned, taking control of investigative journalism, really, worldwide. Its ambitions were amazing.

So, that's an agency—when we saw that it got shut down by DOGE, I thought that was completely appropriate. If there is something in there that it was doing that is valuable, then you could refund it later. My view, same thing with CISA—death penalty for organizations that participated in violations of the First Amend-

ment, like CISA. Cybersecurity is an extremely important function. It shouldn't be contaminated and undermined by censorship activities.

Mr. MASSIE. It has always been known that our government has funded the change in administrations, if we can say it politely, of other governments. Isn't it borderline treason when the taxpayer is—when organizations entrusted with protecting our country are now undermining our own government?

Mr. SHELLENBERGER. Absolutely. If you are trying to do regime change, illegal—if you are weaponizing DHS, FBI, CISA, that is treasonous regime-change activities redirected—that you developed abroad, that we developed abroad for regime change, and directed against the American people and our representatives. It is shocking, and we still haven't dealt with it as a country.

Mr. MASSIE. Mr. Chair, I see my time has expired. I would like to introduce into the record, or ask unanimous consent to introduce into the record, an article in *Newsmax*, "Shellenberger: USAID Paid for Trump Impeachment Effort," dated February 6, 2025.

Chair JORDAN. Without objection. The gentleman yields back.

The gentleman from Georgia is recognized.

Mr. JOHNSON. Thank you, Mr. Chair, Mr. Ranking Member.

Today's hearing entitled "The Censorship-Industrial Complex." It is puzzling to me that when we are talking about censorship and denial of First Amendment rights, we are talking—the witnesses here from the majority seem to be stuck on Hunter Biden's laptop, mentioning it repeatedly, but nothing uttered about what has been transpiring since January 20th, when this President was inaugurated.

Free speech necessarily means freedom of press. Co-President Trump has been talking for years about the press being the enemy of the people.

Mr. Aaron, what impact has the President repeatedly calling the press the enemy of the people had on our free speech?

Mr. AARON. Well, I think it is very chilling. It is a big problem when the most powerful person in the country, who is tasked with upholding the Constitution and the First Amendment, repeatedly goes out of his way to threaten journalists for asking hard questions, to sue news organizations because he simply doesn't like their conclusions. This is a real overreach in his power, and it creates danger for journalists out there actually trying to report on this administration as intended, I assume, he's intended to do.

Mr. JOHNSON. He has been doing more than simply attacking journalists. He has also been threatening confidential sources of journalists. How does that chill free speech?

Mr. AARON. Well, I do worry about any administration, and I have worked with folks on this side of the dais over problems of the government trying to go after whistleblowers, trying to force reporters to hand over their sources. There were new regulations put into place during the Biden Administration that I hope offer some greater levels of protection. I don't know if those are going to survive the new administration.

The Members of this Committee have supported the Press Act, have supported important protections for journalists. We need this



because at a moment like this, we are reliant on whistleblowers to know what is happening.

Mr. JOHNSON. We are also reliant on inspector generals, who are essential for an ethical and transparent government. Yet, during his first week in office, Co-President Trump illegally fired 17 inspector generals, over 18 different Federal agencies, and just yesterday, he fired the 18th inspector general a day after that inspector general from USAID released a report detailing the wasteful impacts of Trump's chaotic and illegal funding freeze and stop-work order. The message was clear that if you speak out, you will be fired.

Co-Presidents Musk and Trump clearly want to shroud their administration's actions from public scrutiny while they illegally freeze of Federal funds, purge Federal workers, and rummage through sensitive private data that they can use to retaliate against any critics who dare to speak up.

I am concerned about the firing of the watchdogs who dare to speak up. Just this past week, this inspector general fired for revealing more than \$489 million in food assistance that was at risk of spoilage or potential diversion after the Trump Administration implemented its aid freeze and stop work order, the very next day, he was fired, as I said.

Do you agree that it chills freedom of speech and independent oversight when inspector generals are fired literally the day after they release a critical report? What message do you think that it sends to other whistleblowers who might come forward?

Mr. AARON. Well, it sends a message to whistleblowers that nobody may be there to listen to you or protect you. The inspector general system is incredibly important at exposing government wrongdoing, no matter who is in power. These are supposed to be independent people. It is my understanding that moves against them are supposed to come before Congress. Congress is supposed to be informed before it happens and that hasn't happened here.

The wholesale of removal of inspector generals at a time when there is so much confusion and chaos about what is happening is very, very dangerous. I hope that this Committee and others with jurisdiction here in Congress will be looking very carefully at these decisions. I know the courts are starting to get involved, but if we don't have these independent watchdogs, we won't know what is happening. In many cases, the press won't know what is happening because they are relying on the information that an inspector general can get that nobody else has access to on the outside.

Mr. JOHNSON. Well, I tell you I know that if inspector generals had been terminated by a Democrat and this Committee as it is now under the control of Republicans, these Republicans would be through the roof about it. They would not allow it to happen. It is troubling that they are so transactional now that they don't believe in the Constitution; they just simply will follow whoever is sitting in that seat who can accomplish their political objectives, and then to hell with the Constitution.

With that, I yield back.

Chair JORDAN. The gentleman yields back.

Mr. Taibbi, do you have any idea how many people work at the United States Department of Treasury?

Mr. TAIBBI. No, I don't. I am sorry.

Chair JORDAN. It is 108,376. Part of the Department of Treasury, of course, is the Internal Revenue Service; is that right?

Mr. TAIBBI. Yes, it is.

Chair JORDAN. Yes, a big part, frankly. A big part. Thousands of people work there, too. On December 24, 2022, one of those 108,376 employees of the Department of Treasury decided they were going to start an investigation into you; is that right?

Mr. TAIBBI. Yes. That is my understanding.

Chair JORDAN. That just happened to coincide with the day you did one of the Twitter files, and one of the most important ones, maybe the second one if I—second or third, but one of those important Twitter files; is that right?

Mr. TAIBBI. Yes, it was. It was a—

Chair JORDAN. Then, a few months later, you are sitting in that same seat testifying in front of this Committee, and at the very time you are testifying, another one of those 108,376 people knock on your door, unannounced visit to your home, which, by the way, they have discontinued because of this issue and a bunch of other crazy things they were doing; is that right?

Mr. TAIBBI. That is right, Mr. Chair.

Chair JORDAN. Just for the record, they actually owed you money, right? You didn't do anything wrong; is that accurate?

Mr. TAIBBI. They did. They owed me quite a lot of money.

Chair JORDAN. Yes. Yes. OK. I just wanted to make that clear, but obviously a way to intimidate someone who is focusing on this issue we are discussing today, right?

Mr. TAIBBI. Yes.

Chair JORDAN. Now, we just got an order from a judge. A judge in the Southern District of New York said that, "no political appointees or special government employees can have access to information." The 108,376 people can have access to information, but the people the President of the United States selects—the guy who was elected by 77 million people, he can't preliminary in joining—a preliminary injunction against the defendants during the pendency of this from granting any political appointees, special government employees, from any access to that information.

I don't know about you, Mr. Shellenberger; I find that kind of troubling. The 108,000 people can do it, at least one of them. Christmas Eve, we got Federal Government employees working hard on Christmas Eve, probably remotely working, going after Mr. Taibbi, but the President of the United States can't have people going to look and see if we can save some money for the taxpayers. He can't do that according to this judge. Do you think that makes sense, Mr. Shellenberger?

Mr. SHELLENBERGER. It doesn't, and my understanding is that the President controls the Executive Branch and the—

[Simultaneous speaking.]

Chair JORDAN. Article II, Section 2, very first sentence—Executive power shall be vested in the President—not the—in a President of the United States of America. First sentence.

Mr. SHELLENBERGER. Yes.

Chair JORDAN. Yes. This judge says no, no, no, we got to trust the—this is the fundamental issue. Do you trust the unelected bu—

reaucrats, it was Mr. Tiffany or Mr. McClintock—or do you trust the guy who was elected by the people? I would rather put our trust in the people who they put in the office to do these things.

Now, you mentioned earlier, I am going to jump around here. I am trying to get to all of you. Mr. Shellenberger, you mentioned that USAID, which has been on the news of late, spending taxpayer money and all kinds of stupid things, is also involved in the censorship effort. I want you to just elaborate on that a little bit because this is going on as we speak. I want you to elaborate on that for the Committee if you would.

Mr. SHELLENBERGER. Yes. It is important to understand that USAID viewed this very holistically. It is important, if you look at the Hunter Biden laptop case, which is an extremely important case to understand because the FBI was weaponized, and it weaponized the Aspen Institute to brainwash the entire media, it wasn't just that they censored it. It was that they changed the perception of the laptop. They created a perception that it was something other than what it obviously was. That is what these guys are trying to do.

These are called information operations, and USAID has been in the process of taking over so-called independent investigative journalism around the world and, at the same time, training NGO's how to demand censorship. For example, Mr. Aaron's organization has been working to train organizations to so-called flag misinformation behind the scenes.

By the way, it is one thing to criticize somebody publicly, which we should all be engaged in. This thing where you are skulking around and secretly—

Chair JORDAN. You do that all the time.

Mr. SHELLENBERGER. Yes. That is what open democracy is. This thing of going out and, like, secretly flagging information behind the scenes and demanding censorship—that is completely an abomination. That is not what our democracy is about.

Chair JORDAN. I just want to be clear. You are saying, USAID, your investigation is now engaged in this prebunking concept and process that they did with the laptop story in the Fall 2020.

Mr. SHELLENBERGER. Yes. It is the exact same approach, as well, where often, what they are doing, for example, with USAID, OCCRP, is that they are leaking intelligence from the intelligence agencies—

Chair JORDAN. Yes. Scary.

Mr. SHELLENBERGER. —in a very—and not like WikiLeaks, where they just dumped it, probably too much without the proper redactions. They are strategically leaking it and then manipulating places like *The Guardian* and *The New York Times* to publish certain stories and control the whole investigative news process.

Chair JORDAN. We saw this from Yoel Roth's testimony. He testified during these weekly meetings that they, Federal law enforcement, communicated to us there was going to be hack-and-leak operations before the Presidential election, likely in October—so what is going to happen, when it is going to happen, and then they said here who it is going to involve, that there were rumors that the hack-and-leak operation would involve Hunter Biden. So, they set him all up.

[Simultaneous speaking.]

Chair JORDAN. So, they set him all up, and then shazam—they set him all up because they had the laptop; they knew what was coming. When it happens, everyone buys into what the 51 former intel officials say.

Mr. SHELLENBERGER. That's right.

Chair JORDAN. Ms. Subramanya, I want to give you the last word. RFK—I just want you to know I appreciate the historical perspective you brought when you testified last Congress. One of the statements that stuck with this last Congress was actually a statement made by RFK Jr., when he said, “When you look at history, it is never the good guys who are for censorship.” That's what we are trying to keep in mind and stop it from both sides, from all sides. We want the First Amendment. I will give you the last 30 seconds here to—

Ms. SUBRAMANYA. Absolutely. As you mentioned earlier, and when I was here the last time, I think it was a throwaway comment to a representative. It was not even part of my testimony; I don't think so. I said the values of Western civilization are worth fighting for, going back to the Enlightenment and the Reformation. That is what gave us free speech. That is what distinguishes us from the rest of the world.

The First Amendment in America distinguishes America from the rest of the world. I come from India originally. I live in Canada. I am from Canada, but I have lived in India. I have lived in the Middle East. I have lived in places where just speaking your mind can send you to prison. You cannot criticize anything that goes against the government or certain religions, for that matter. When I came to the West, it was refreshing to finally be able to express myself.

[Simultaneous speaking.]

Ms. SUBRAMANYA. Unfortunately, what I left behind has come to me in Canada, has followed me to Canada. I am seeing that happening in the United States, and it is very worrying because it has happened so quickly. I don't know where this is going to lead us to.

Chair JORDAN. Yes. If we can't settle our disputes with today, the alternative is frightening, and we never want to get there. So, I appreciate all of you. I appreciate—from both sides. We want to embrace the First Amendment.

Unfortunately, I have to run. Mr. Raskin and I have to run to the House Administration Committee to talk about the budget for this Committee. If you need—I should have said this. I will say that if any of you need a break, we'll take it. Just let us know. Just communicate with one of our staffers, and we'll give you a break. If not, we are going to keep going.

I think it is—the gentleman from California is recognized for five minutes.

Mr. SWALWELL. For the last three years, Donald Trump campaigned on lowering your costs. Do they feel lowered? Does anything about his hearing get us to lower costs? You were promised cheap eggs, and today, you are getting cheap shots. There is probably no better natural remedy for insomnia than a Congressional hearing on anticensorship.

Mr. Taibbi, you are here. Would you agree that censorship is a suppression of ideas, words, images, and something that can be conducted by the government?

Mr. TAIBBI. Yes. It can also not be by the government, but yes.

Mr. SWALWELL. You would then agree that it is censorship for any government, democratic or authoritarian, run by a Democrat or a Republican, to bar the press from covering the government when the press reports something government doesn't like?

Mr. TAIBBI. Bar in what way?

Mr. SWALWELL. Take away their credentials, take away their access.

Mr. TAIBBI. So, as a longtime—I started my career as an independent journalist. Journalists who whine about not being credentialed should recognize that being on the outside is part of what being in the press is. I am not terribly sympathetic to people who complain about that issue.

Mr. SWALWELL. So, if you report something that the government doesn't like and they take away access that others have, that is not censorship?

Mr. TAIBBI. You can still cover it. That is not censorship.

Mr. SWALWELL. OK. Banning books, is that censorship?

Mr. TAIBBI. Banning books is censorship. Yep.

Mr. SWALWELL. So, this topic is more complicated than the hearing title would suggest, and I would argue the difference between a democratic approach and democratic activists on this issue and Republicans is that as Democrats seek to attack mis- and disinformation, it is because their perception of information is that it is a means to the truth.

For many Republicans, they believe that information is a means to power. So, they are primarily concerned with using information, whether it is disinformation or misinformation—as long as it gets them to power, they are OK with it. It is difficult to try and litigate, what do you do with mis- and disinformation?

I will be honest with you. Sometimes democratic voices object too much to mis- and disinformation. A lawyer once told me when I was a young prosecutor that I was jumping out of my seat too much, objecting to conduct by the defense attorney, and while I was probably legally right, it was just annoying the jury and that I should pick my battles.

So, I get frustrated, too, sometimes when it feels like the penalty flag is being thrown too often. However, there is a difference, though, between censoring somebody because you disagree with them. I will credit Chair Jordan. He and I have had some spirited debates in this hearing room. Sometimes they have gotten quite personal by both of us. Sometimes when I land a point, he gets upset. His staff will get upset. He takes it like a man, and he will make his point right back at me, and I take it like a man.

Who doesn't take it like a man? Donald Trump, because he is not a man. He is a child. He is a small child, and he views censorship as a means to get rid of people who disagree with him. He wants to get rid of judges who disagree with him. He said that as recently as yesterday. Speaker Johnson is backing him up by suggesting that judges should just pause in interpreting his violations of the Constitution.

Trump goes after his perceived political opponents. I know. When I was a part of the Russia investigation, his DOJ subpoenaed my emails and my cell phone records. He is a petty, punitive child. I can recognize a toddler because I am a parent of three of them, and I recognize the same behavior.

Yes, censorship is occurring. It is self-censorship, and it is by you all, because I hear you in our private conversations when you agree that Trump is a child. I hear the people you are telling that Trump is a child, whether it is lobbyists or reporters. You shrink in this room, and you shrink in the chamber, and you self-censor yourselves from speaking out because you are afraid. He is laughing at you that you take him so seriously, because he is unserious. He is laughing that, you think he is so powerful, because he is weak. He is laughing because you think he is so big, because he is quite small.

So, we need you. We need your voices right now. It can't just be this side. We are all in to speak up, and we need you to speak up, too. Otherwise, we are all out of freedom. I yield back.

Mr. FITZGERALD. The gentleman's time has expired, the gentleman yields back. I am going to recognize myself for the next five minutes.

Mr. Taibbi, the Twitter Files showed how the State Department's Global Engagement Center, and I know you have done some reporting on this, initially created to counter the foreign disinformation campaigns, ended up censoring American speech directly and by proxy.

It was established in 2016, \$61 million, 120 employees. What we have found now, through further reporting, is that at the exit of the Biden Administration, they kind of shifted things around to make sure that it was still viable and still could operate.

Can you just explain, in general, what your reporting discovered and what you have seen since then?

Mr. TAIBBI. Sure. Thank you, Mr. Congressman.

The Global Engagement Center, which was an organization that was unknown to us when we started the Twitter Files, and it started off as a counter-terrorist organization. Sources I spoke to that had worked there described the transformation of their mission as CT to CP, counter-terrorism to counter-populism.

We found Global Engagement Center reports on a variety of topics within the Twitter Files. They also worked with the Stanford Internet Observatory and the Election Integrity Partnership. At the end of this year, they were set to expire and be defunded.

Essentially, what happened was they took the same amount of employees, they renamed themselves R/FIMI, and they scattered the employees physically throughout the building in different places to make it impossible or make it more difficult to eradicate the agency.

Now, I am not sure how that has all panned out. My understanding is that ultimately this will be defunded. Those personnel and that money still exists, and they still have exactly the same mission that was delineated for them in 2018 by legislation.

Mr. FITZGERALD. It was the way that they utilized what was called "bad speech" and "good speech," right? Can you describe how

they manipulated things that was presented to the American public? A lot of this was initiated during COVID, right?

Mr. TAIBBI. Yes, so the Global Engagement Center, they had a really important innovation in the whole evolution of the digital censorship movement. They put up these reports. Some of them were sort of old-school intelligence reports where they actually used sources to identify accounts that were reasonably linked to foreign governments or foreign intelligence or might be bots.

Then they had this concept they called the information ecosystem. That just drew in accounts whose messages were too much in sync with those other accounts.

As a result, we had people who were completely innocent and in many cases were prominent politicians, like there were prominent Democratic politicians in Italy, for instance, and in France, who were deemed part of the Russian ecosystem or the Iranian ecosystem or the Chinese ecosystem.

This is just old-school guilt by association, and it was part of their method. We found this repeatedly in their reports.

Mr. FITZGERALD. Yes, the last question I had was so as the Biden Administration leaves and they morph this group into another kind of different size organization, the fact of the matter is this is a perfect target for what DOGE is looking at right now.

Because there is no way to really reform these organizations, especially because they are part of the State Department. So, it would be something that Secretary Rubio would absolutely have to go in and either rework start to finish, or just eliminate it. Is that correct?

Mr. TAIBBI. I would think so. Again, the process of scattering the organization throughout the building, and this is a prime example of how it is so difficult to eradicate these institutions once they have taken hold.

Mr. FITZGERALD. Yes, Mr. Shellenberger, I will just ask you the final question, and that was that you talked earlier about these types of organizations that are embedded, and then how do you eliminate them, how do you change them?

Mr. SHELLENBERGER. You really have my view that you have to shut them down and reconstitute them with different rules, different leadership, personnels, and policies. So, you can't have somebody heading up CISA that thinks it is their job to go around and to censor their fellow Americans.

You have got to have somebody there that is really committed to cybersecurity, which is in their name twice. That is how supposedly committed they are to it. So, any organization that has that level of mission drift I think you have got to shut it down and reconstitute it later. I hope Congress considers doing that.

Mr. FITZGERALD. Thank you very much. My time has expired.

Ms. CROCKETT. Mr. Chair, I have an unanimous consent request.

Mr. FITZGERALD. Yes, Ms. Crockett.

Ms. CROCKETT. We have heard over and over today that the government was coercing social media companies to take down specific content mainly targeting conservatives. You and I both know this is not true because not one of the dozens of witnesses—

Ms. HAGEMAN. Point of order. What is the the UC request?

Mr. FITZGERALD. Ms. Crockett, what is the UC request, Ms. Crockett?

Ms. CROCKETT. For the record, I would like to introduce excerpts from transcripts of interviews with witnesses from the social media companies who this Committee interviewed last Congress. They all testified that there was no direct coercion—

Ms. HAGEMAN. You just need to put the document in. Point of order, doesn't she just need to put the document into the record?

Ms. CROCKETT. No, I need to—

Ms. HAGEMAN. I don't believe that she needs to include any explanation.

Ms. CROCKETT. I am asking.

Mr. FITZGERALD. Ms. Crockett, go ahead and finish your UC request.

Ms. CROCKETT. It is May 16, 2023, transcribed interview with a Meta Security Policy employee who confirmed that Meta's hack and leak policy was not mandated.

Ms. HAGEMAN. Again, point of order. Isn't it just a document that goes in?

Mr. MOSKOWITZ. Is this a hearing?

Mr. FITZGERALD. Without objection. Without objection.

Ms. CROCKETT. The second one is—

Mr. FITZGERALD. It will be—we don't need any further description of the document.

Ms. CROCKETT. We have multiple documents.

Mr. FITZGERALD. Without objection, without objection.

Ms. CROCKETT. So, all my transcripts are in?

Mr. FITZGERALD. Without objection.

Ms. CROCKETT. OK.

Mr. FITZGERALD. We will go to the gentleman from California, who is recognized for five minutes.

Mr. LIEU. Thank you, Mr. Chair.

The Trump Administration issued a series of Executive Orders that are brazenly illegal and unconstitutional, and that is why Federal judges appointed by Ronald Reagan, George Bush, and Donald Trump himself have halted a number of these orders.

None of these orders are designed to lower inflation or lower your costs. Donald Trump campaigned on lowering prices. He lied to you.

Congressional Republicans have also done nothing to lower prices, and this hearing is a prime example. This Republican-controlled Judiciary Committee could hold a hearing on price gouging. The Republicans could hold a hearing on antitrust and how monopolies are using their monopolistic power to raise your prices.

No, we are holding a hearing on Twitter and Facebook, about Twitter and Facebook. Are you kidding me?

I am going to show you a video now of what is at the top of Americans' minds, which is inflation and grocery prices, and specifically, the high cost of eggs.

[Video played.]

Mr. LIEU. Since that *NBC News* report came out, egg prices have increased again. *Fox News* just recently reported the wholesale price of eggs is now an average of eight dollars.



Donald Trump's indiscriminate tariffs that he has already leveled and threatened to level are making things worse. I am going to show you a video now what Donald Trump's tariffs are doing to shoppers at Costco.

[Video played.]

Mr. LIEU. Trump's tariff war has turned into an egg war at a Costco, everyone fighting for eggs at Costco.

I recently went grocery shopping, and the price of eggs were between \$7.99 and over \$12, and not only were the prices that high, but there were no eggs. There are no eggs on the shelves.

That is leading the American people to realize that Donald Trump lied to them and Congressional Republicans are not focused on the issue that American people care about, and that is why consumer sentiment has now dropped. That is a very important factor for the economy. I am going to show you a video about a recent consumer sentiment report.

[Video played.]

Mr. LIEU. Just today, it was announced that inflation increased again. It is not just on eggs, it is also on meats, poultry, and fish. On gasoline, fuel oil, used cars and trucks, prescription drugs, car insurance, and rent. Congressional Republicans are doing nothing to address this issue.

So, look, do I think it is obnoxious that Twitter bans the term "cisgender"? You can be punished and suspended for using that term. Sure, it is obnoxious. That is not what the American people care about.

They care about the No. 1 issue, which is inflation. Same thing last year, same thing this year. Donald Trump and the Congressional Republicans are doing nothing to address that issue. In fact, Trump's tariffs are making things worse.

So, I urge our Congressional Republicans to get serious and stop doing dumb hearings. I yield back.

Mr. FITZGERALD. The gentleman yields back. The gentleman from Texas is now recognized.

Mr. GOODEN. Thank you, Mr. Chair.

It is so wild to me that, when we talk about an issue that so much indicts the Biden Administration for the laws they were breaking, that the only thing Democrats can do is call it a dumb hearing, talk about bird flu, and say, here is one that one of my colleagues said, "Joe Biden is gone and we need to be looking at what is happening right now."

They spent the last four years talking about Donald Trump after he left office, and now that the American people got what they wanted, which is another four years of Donald Trump, they don't want to talk about Joe Biden.

I don't want to talk about Joe Biden either, but I do want to acknowledge the lawfare, the censorship, which is the whole point of this hearing. I will mention I am glad that inflation was brought up, because I do believe that we are going to finally head in a good direction.

My colleague from California just spent two minutes talking about eggs and the cost of eggs. The cost of eggs was up a month ago, which is why the Biden Administration appropriated or spent \$300 million on bird flu. I am not even going to blame Joe Biden

for the cost of eggs or Donald Trump. We got a bird flu going on. Yes, it is terrible.

Let me tell you something else that is terrible. That is what this Committee uncovered that my colleagues from the Left said wasn't a real thing. That is that Big Tech platforms changed their content moderation policies because of pressure from the Biden-Harris White House.

The Biden-Harris White House's censorship campaign targeted true information, satire, and other content that did not violate the platforms' policies. No one on the other side of the aisle has indicated that they had a problem with that.

They have complained about Elon Musk, who is a private citizen who runs a private company, perhaps not the way they want him to. They have not acknowledge that the Harris, the Biden-Harris White House was pressuring and instructing these companies to censor conservative speech or speech that they did not like.

I would love to insert into the record, I don't know if my colleague from Dallas County inserted this letter from Meta's Zuckerberg on August 26th. He spent two whole pages talking about all the things that he was pressured to do by the Biden White House. This was after Trump said I am going to lock up anyone who interferes in this election.

My colleague from California mentioned that as if that was some terrible threat to make. I am going to defend the integrity of the election. Well, after Trump said that, this letter came out, as if Mr. Zuckerberg was admitting, which he did, that they have been breaking the law because the White House had asked them to.

Mr. Shellenberger, I will ask you to comment, if you will, I haven't heard any outcry or condemnation from the Left about all this censorship from the Biden White House. I want all the censorship to stop. What am I missing here?

Mr. SHELLENBERGER. You are not missing anything. This, look, the whole censorship industrial complex was created by Democrats. It is really quite disturbing and depressing when you think about it.

I was raised on the radical left, and what we had in common with the liberal left was that we supported the *Brandenburg* ruling. We supported *Skokie*.

We Democrats were supposed to believe in supporting, allowing like Nazis to march through neighborhoods of Holocaust survivors. That is what the Supreme Court has upheld. That is how radical America's commitment to free speech is.

So, when I hear Members of Congress complaining that people said something racist online and they weren't censored, I am offended as an American by that. Free speech is kind of—we do a lot of things badly in the United States. The one thing we do well and have done well for 250 years is protecting free speech.

When you see an entire political party get behind weaponizing government to put their main political rival in prison, create an elaborate censorship industrial complex, run lawfare, and run information operations against their fellow Americans, it is very disturbing.

The fact that we are still talking about what happened, we should be talking about what happened. It was a woke reign of ter-

ror for the last 12 years, where people were scared to say their mind in public, in private.

We had these elaborate governmental apparatuses in place to aggressively censor behind the scenes using law enforcement organizations to do it. So, the fact that we are all still a little upset about that, and we are very concerned about what the Europeans are doing should be a little more understandable for those of us that were raised in the true liberal spirit of the Left.

Mr. GOODEN. I appreciate that. I yield back.

Mr. GOLDMAN. Mr. Chair, I have an unanimous consent.

Mr. FITZGERALD. The gentleman yields back.

Mr. GOLDMAN. Mr. Chair, an unanimous consent request.

Mr. FITZGERALD. The gentleman's request?

Mr. GOLDMAN. I ask unanimous consent to enter into the record the Supreme Court's opinion in *Murphy v. Missouri*, and specially footnote 4, which states that the factual findings about alleged government censorship on social media "appear to be clearly erroneous."

Ms. HAGEMAN. Point of order. Doesn't the document just go in?

Mr. FITZGERALD. Without objection, without objection.

The gentlewoman from Washington is now recognized for five minutes.

Ms. JAYAPAL. Thank you, Mr. Chair.

There are many issues in this Committee's jurisdiction that are top of mind for the American people, like the Constitutional crisis that we face when the Vice President suggests that we don't need to listen to the Judicial Branch.

When the administration takes repeated actions to undermine the Article 1 powers of Congress, or how about if we use this hearing to take on the giant profiteering corporations that use monopolistic practices to raise prices and drive out competition?

Remember when candidate Trump said that he was vowing to reduce prices on day one? Well, here we are, almost one month into the Trump presidency, and not only have Republicans done absolutely nothing to lower prices, but their policies are actually driving up prices, as today's financial data showed.

Instead of dealing with that, we are here wasting time on repeatedly debunked accusations of censorship, even as the real censorship is happening right before our eyes. Donald Trump's assault on free speech rights through a series of Executive Orders that dictate terms of allowable expression and identities, demand political loyalty from all civil servants, and punish anyone who dissents.

One of the Executive Orders requires Federal Government agencies to:

Remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology and to cease issuing such statements, policies, regulations, forms, communications, or other messages.

This Executive Order has now been used by the Centers for Disease Control and Prevention to send out guidance prohibiting the use of terms like gender, transgender, pregnant person, transsexual, and nonbinary.

Mr. Aaron, how does this lead to direct or indirect censorship of employees in their role as private citizens?

Mr. AARON. I think it is very concerning, Congresswoman, the idea that to receive government funding to do scientific research, to provide healthcare, to provide community services, that you have to read from an approved list of words. If you use one of the words that is on the banned list, you could lose your entire funding.

You could have to fire your staff. You could have to get rid of essential programs simply to push, speaking of ideology, an ideological agenda. That is very, very worrisome, and so unnecessarily cruel on top of it.

Ms. JAYAPAL. Transgender individuals constitute a small but important minority of the Federal workforce. They serve in public health, economic and national security positions, alongside thousands of nontransgender coworkers.

What impact, Mr. Aaron, does censorship of transgender employees have on the broader Federal workforce and its ability to serve the American people?

Mr. AARON. Well, it forces government employees to essentially go into hiding, to have to hide who they are and what their identity is. To feel that they're being watched by their colleagues, to essentially ask their colleagues to erase, erase their existence, whether that is from government websites or from the ability to simply meet with other people in the government who may share their identity.

I think it is a massive overreach that is really an attack on all of us, it is an attack on all of us.

Ms. JAYAPAL. Another Executive Order directs the termination of all diversity, equity, and inclusion programs in the Federal Government. As a result, staff at the National Science Foundation have been combing through thousands of active science research projects alongside a list of keywords to determine whether or not those grants should be halted.

These keywords include words and phrases like "activism," "equal opportunity," "institutional," "under-represented," and get this one, "women, women."

Do these actions, Mr. Aaron, constrain academic freedom or the ability of researchers to freely express their views?

Mr. AARON. Well, it seems to be an insane way to decide what our scientific researchers or other researchers should be studying. The idea of cutting off funding via keyword as opposed to evaluating independent academic projects as opposed to evaluating, is this a good cure for a disease. Are we going to be able to research cancer?

The idea that could be stymied or cutoff because somebody used the wrong word? Incredibly chilling.

Ms. JAYAPAL. The NSF funds about 25 percent of basic academic research in the United States, including critical research on medical devices, quantum physics, and artificial intelligence. What effect does mass censorship of NSF-funded research have on our ability as a country to advance scientific and technological development?

Mr. AARON. The scientists need to be in charge of the science. I think that is what it comes down to. The idea that we are making decisions about what our research priorities should be by inserting AI to look for keywords AI can barely handle your airline reserva-

tions and get it right, or your searches online. So, I think it is a big problem.

Mr. FITZGERALD. The gentlewoman's time has expired.

Ms. JAYAPAL. I thank the gentleman, and I yield back.

Mr. FITZGERALD. Yields back. The gentleman from New Jersey is now recognized.

Mr. VAN DREW. Thank you, Mr. Chair.

First, it is humorous to me. President Trump has been in for three weeks. It is for about three weeks, right? You all are blaming him for the inflation engine that was created over the last four years. Come on, seriously? Realistically? Come on.

Let me get to the real issue here. The real issue, Mr. Chair, is the censorship that happened at so many levels of our government and so many levels of our institution and our media. It penetrated every single level of our society.

Let's just look at a little bit of what this Committee did over the last few years. Look at social media. The Biden White House colluded with Facebook to silence American citizens. They censored satire. They censored dissent. They censored facts they didn't like. It was censorship.

This Committee exposed it, and now even Mark Zuckerberg has to say, in August 2024, he said he publicly regretted, he apologized for what had happened because the compliance that they had with the Biden Administration that used the Executive Branch inappropriately.

Let's talk about more, let's talk about education. Let's talk about our students and our professors. They came before this Committee too, and they told us how they were punished for holding conservative views, different views than the mainstream.

It could happen to you all. It could happen to somebody with a progressive view or a liberal view. It just isn't right. Every view should be accepted, tolerated, and encouraged in education. They were disinvited, they were deplatformed, they were chased off the campuses by angry mobs.

At the University of Buffalo, conservative students were physically attacked. At Cornell, a student called for stabbing and raping Jewish women while professors continued to push blatant anti-Israel objectives.

Mr. Aaron, I never heard you say a word about any of this.

At Tulane, Jewish students were beaten in a protest while administrators stood by. At Berkeley Law, and these just a few examples, student groups created Jew-free zones banning anyone who supported Israel from speaking.

Because that is what it was about. Censorship, because our free speech is the most powerful tool that Americans have. This is all censorship. The Committee exposed it.

Let's talk about healthcare. Doctors were silenced. Scientists were blacklisted. Intel officers suppressed DoD and FBI findings on the lab leak. You remember the lab leak in Wuhan? Impossible.

I said it and I was mocked, that it really possibly and probably did come from a lab and not from a wet meat market. That was a big joke back then. You were censored. You were censored if you had a different opinion.

The CDC and the FDA withheld data on vaccine side effects. It was censorship, and this Committee, again, exposed it.

The FBI, the Department of Justice, remember that stuff, spying on conservatives. Spying on Catholic churches. They were going to.

Spying on concerned parents and labeling parents who were concerned about their kids and going to school board meetings as domestic terrorists. They were trying to censor them. Using FISA, worst of all, to go after millions of Americans inappropriately. It was censorship, and we exposed it.

The ultimate censorship? The media, the legacy media, which pretended none of it was happening. Most folks never got to hear about it, didn't even know. There's still a lot of Americans that don't know. It was all censorship.

Now, I hear the other side lecture us about the abuse of power. Really, seriously, after what happened, after the last four years. You got to be kidding. It is unbelievable.

I was talking to a reporter outside before, they said you know, what is the one thing you regret. They were doing a little bio on me and your years in politics and government.

What I regret, is that every single American didn't have to sit here in these judiciary meetings and hear what is going on to their country. I wish they knew, and they don't, because the legacy media doesn't let it out. Barely covers it. Covers a tiny fraction of it. I am surprised we have survived at all with free speech.

Hour after hour, hearing after hearing, case after case, I wish they were here. We fought back. We won for now. We are in trouble around the world. Our country's in trouble. We still are. We could really be losing our freedom. We could be going into a dark age.

Mr. Shellenberger, I have questions for you really quick. I don't have much time. Please just yes or no, sorry to do this to you. Has President Trump, to the best of your knowledge, ever pressured Facebook or Twitter to censor true information, yes or no?

Mr. SHELLENBERGER. I actually think you looked into this, right?

Mr. VAN DREW. I got to do this quick; I am running out of time.

Mr. SHELLENBERGER. We didn't see the request.

Mr. VAN DREW. OK. Did President Trump ever—last question, I can't get through them all, I will ask that they will be put in the record. Did President Trump ever direct intelligence agencies to work with social media companies to suppress damaging news stories before an election?

Mr. SHELLENBERGER. Not to my knowledge.

Mr. VAN DREW. Did President Trump ever label parents as domestic terrorists?

Mr. SHELLENBERGER. No.

Mr. VAN DREW. Did President Trump ever spy on Catholic churches?

Mr. SHELLENBERGER. No.

Mr. VAN DREW. Did President Trump's DOJ ever pressure Big Tech to silence political opponents?

Mr. SHELLENBERGER. Not to my knowledge.

Mr. VAN DREW. Did President Trump have done any of these things, wouldn't the media say he was abusing power, if he had done it?

Mr. SHELLENBERGER. I am sorry?

Mr. VAN DREW. If President Trump had done any of those things, would the media say he abused his power?

Mr. SHELLENBERGER. Absolutely.

Mr. VAN DREW. Thank you. I yield back.

Chair JORDAN. The gentleman from California.

Mr. CORREA. Thank you, Mr. Chair. I want to thank you and the Ranking Member for holding this very important hearing on the First Amendment, and of course censorship.

Thank you also for all the panelists for being here. I appreciate your recommendations and contributions.

Mr. Aaron, I want to turn to you first. I want to talk about Main Street back home. We are talking a lot about theories, discussions, but back home, people care about bread-and-butter issues.

Over the past two weeks, more than 8,000 web pages on over a dozen government websites were taken down, including over 3,000 pages containing healthcare information, CDC. They were taken down until yesterday, when a Federal judge actually ordered the public health pages put back up.

Some of those pages, information, guidance on vaccinations, on autism. That is what people care about back home.

So, Mr. Aaron, we have vaccine mandates. Controversial. Regardless of where people stand, how do people react in a situation like this when the information they probably rely on, paid for by Federal taxpayer dollars, research on these pages is no longer available to them?

Mr. AARON. I share your concern, Congressman, and I think that we have a big problem, again, with taking the sledgehammer to all these things.

Mr. CORREA. Is this censorship?

Mr. AARON. Is this censorship, is that the question, sir?

Mr. CORREA. It is.

Mr. AARON. Well, I want to be clear, the government does have the ability to say this is what we are going to put on our websites, to a point. They have the ability to say these are our new priorities, all these things, right?

The problem we have is when that is extended out to stripping away the most basic information that people need for their health. When you are talking about doctors suddenly unable to inform their patients about what is happening, we have a more serious problem.

I think that is why the courts have intervened here, because of the misalignment between—

Mr. CORREA. Let me cut you off really quick. I am just looking at the *CDC.gov* website. Vaccines and immunizations. There is a little statement here. “CDC’s website is being modified to comply with President Trump’s Executive Orders.”

What would a parent say if they saw that?

Mr. AARON. I think it is just confusion. I don’t think people understand why is the government taking away this basic lifesaving information. Why are they taking away information about diseases that people are suffering from?

Mr. CORREA. The autism spectrum disorder website. “CDC’s website is being modified to comply with President Trump’s Execu-

tive Order.” This disclaimer is everywhere. What is a parent, what is a doctor supposed to do when he reads this?

Mr. AARON. I share your concern, Congressman, that the idea that we are taking away basic health information, basic scientific information, making it harder for people to just know what’s going on, especially when they are dealing with serious disease and serious health problems.

It is very unclear to me why this would be a priority for this administration, why they would be trying to take away lifesaving information that people rely on.

Mr. CORREA. Is there a chilling effect here on academic research?

Mr. AARON. No question, no question there is a chilling effect.

Any time someone has to say before I can do my job, am I using the wrong words? Anybody who is going to say if I make the wrong choice in what I say as an independent scientist, does that mean my funding is going to disappear.

Mr. CORREA. Seventeen inspector generals fired. How does that affect academic research, people working in these agencies?

Mr. AARON. Where is the accountability going to come from? I think that is the question. When you get rid of the inspector generals, where is the independent voice when there is a problem, when people’s research is being interfered with, when government processes are broken or ignored?

Mr. CORREA. Mr. Aaron, for people watching this back home on TV, what is an inspector general?

Mr. AARON. Well, as I understand it, Congressman, the inspector general, right, is an independent office within a government agency tasked with making sure that this agency is following the law, ethics laws, other laws, and the procedures of that agency. So, they have investigatory power within an agency to be able to investigate and publicize government wrongdoing.

Mr. CORREA. To address fraud, waste, and abuse? To address fraud, waste and abuse?

Mr. AARON. Absolutely.

Mr. CORREA. So, 17 of them were fired.

Mr. AARON. The only reason to get rid of all the inspector generals en masse is if you don’t want them conducting investigations.

Mr. CORREA. Thank you very much, Mr. Aaron.

Running out of time. Mr. Chair, thank you very much.

Chair JORDAN. The gentleman yields back. If it is OK with our witnesses, we got, we will finish the top row here, and then we will give you a quick five-minute break. Then we will be back at it.

Chair JORDAN. So, the gentleman from Virginia is recognized.

Mr. CLINE. Thank you, Mr. Chair. I want to echo your comments from your introduction. What a difference several years makes. While the censorship industrial complex is on the run, it is not gone.

To that, I just say thank God for Donald Trump. Thank God for Elon Musk. Thank God for DOGE, because we are uncovering just where the tax dollars are going to fund the censorship industrial complex.

Mr. Shellenberger, the U.N. finances initiatives related to misinformation management or support, supports government funding



and third-party development of censorship tools and technologies, correct?

Mr. SHELLENBERGER. Yes.

Mr. CLINE. You are aware that U.S. taxpayer dollars have been used by the U.N. to develop and implement an AI-assisted fact-checking tool to label speech as misinformation, disinformation, and now information toxic or hate speech, correct?

Mr. SHELLENBERGER. Yes, sir, very disturbing.

Mr. CLINE. In fact, in 2021, the U.S. gave the U.N. Development Programme \$190 million in taxpayer dollars. I verify what they have developed has been tested in five countries: Kenya, Honduras, Liberia, Sierra Leone, and Zambia. It is intended to expand to more countries. Does that concern you?

Mr. SHELLENBERGER. Extremely.

Mr. CLINE. The U.S.—the U.N. has also partnered with other players in the censorship industrial complex, including Crowd-Tangle, a Facebook Meta-connected fact-checking tool. Meedan got \$250,000 from the National Science Foundation for identifying and countering misinformation on closed messaging platforms.

The International Fact-Checking Network, IFCN, a grant- and fellowship-making organization to help fact-checkers, solution providers, and other eligible organizations launch new and innovative fact-checking programs and initiatives.

Do you see iVerify as part of a larger global trend toward centralized control over information?

Mr. SHELLENBERGER. Yes, and we didn't have a chance to get to it, but USAID has been pushing digital IDs that would tie people's bank accounts to their social media profiles. It is out the Black Mirror. The idea would be that they would be able to police and potentially de-bank you for something that you said online.

It is extremely disturbing, and I was just kind of shaking my head because after two years of this, we just keep discovering more censorship initiatives hidden away in different agencies, the U.N. and USAID. It is madness.

Mr. CLINE. It is terrifying. You agree, programs like eVerify, the one you just mentioned as well, could be weaponized by authoritarian governments to silence dissent. You have seen this as well.

Mr. SHELLENBERGER. By our government.

Mr. CLINE. Well, of course, by our government as well.

Ms. Subramanya, you have seen this as well.

Ms. SUBRAMANYA. Absolutely, I have seen the weaponization of government to go after innocent people in my own country, in Canada. The truckers' protest of 2022 was a great example of that, where people who protested; they were de-banked. So, if you were a grandmother somewhere donating \$50 to the protest, you were frozen out of the financial system.

It has a chilling effect, to the point that people are now afraid of having their voices heard. They are afraid to express themselves because the consequences of expressing yourself freely in a country like Canada, a G7 country, people are afraid to speak up.

I have only seen this in authoritarian countries that I have lived in. That is something that should concern us all. It is happening here.

Mr. CLINE. It is up to us to lead.

Ms. SUBRAMANYA. Absolutely.

Mr. CLINE. Do you think that the Biden–Harris Administration’s hostility toward free speech contributed to the increased tax on free speech we were seeing abroad, including pressure by foreign governments against American companies to censor lawful speech?

Ms. SUBRAMANYA. Absolutely. I am glad you asked that question, Representative Cline. When Elon Musk’s free speech rights were being attacked, and they are still being attacked by the E.U. under the Digital Services Act, there was silence from the Biden Administration.

You know what that did? That sent a strong message to the rest of the world that the administration could not be relied on to retaliate against governments that suppress the free speech rights of Americans. That is a powerful message. That is not good.

Mr. CLINE. Absolutely. We have to continue to lead. I am glad President Trump is leading. I am glad Elon Musk is leading. I have got a bill in to end iVerify. It is called the End U.N. Censorship Act. I hope we pass it in this Committee and can pass it on the floor.

With that, Mr. Chair, I yield back.

Chair JORDAN. The gentleman yields back. We will take a five-minute break, and we have refreshments back there if you need them. Then we will try to get back at it as quick as we can.

The Committee stands in recess.

[Whereupon, at 12:40 p.m., the Committee recessed, to reconvene at 12:51 p.m., the same day.]

Chair JORDAN. The Committee will come to order.

The gentlelady from Pennsylvania is recognized. Oh, we have got to wait for your witness. I just saw him here, I thought.

The Ranking Member is recognized.

Mr. RASKIN. Thanks, Mr. Chair. I just wanted to ask for four unanimous consent requests in answer to some of the things that just came up.

One an article entitled, “Trump Tried to Suppress Free Speech on Twitter,” published by the *Washington Examiner*, February 9, 2023. An article titled, “Twitter Kept Entire Data base of Republican Requests to Censor Posts,” *Rolling Stone*, February 8, 2023. “The Trump Administration Told Facebook and Twitter to Remove Posts that Called for Tearing Down Confederate Statues,” *Business Insider*, June 26, 2020. Finally, an article entitled, “Yes, the Trump White House Demanded Twitter Remove Chrissy Teigen’s Tweet Calling Trump a PAB,” *Vanity Fair* on February 8, 2022.

Chair JORDAN. Without objection. The gentlelady from Pennsylvania is recognized for five minutes.

Ms. SCANLON. Thank you, Mr. Chair, and thank you to our witnesses for being here today.

With all the crises that the Trump-Musk tag team has created in the past three weeks, it is disappointing but perhaps not surprising that the Chair decided to waste everyone’s time today by rehashing for the third or fourth time a second-rate conspiracy theory that has been repeatedly exposed, debunked, and thrown out of court.

While we are wasting this time, the country is barreling toward yet another budget crisis as Republicans squabble among them-

selves. The President has turned the Federal Government over to the author of Project 2025 and an unsupervised billionaire, where they are generating a Constitutional crisis per minute.

Their actions are imperiling both our national security and Americans' health, safety, and economic security. So, pardon our frustration that this Committee is failing to address the very real and serious issues that are confronting our Constitutional republic.

Now, this hearing is supposed to address government censorship of free speech. The First Amendment, which protects free speech and a free press, is the bedrock of our democracy. A democracy only works when its citizens are properly informed.

Right now, both free speech and a free press are under attack by this administration and Mr. Trump's billionaire buddy, Elon Musk. In the past three weeks, we have seen the Trump Administration use the power of the government and its Big Tech allies not just to promote their own views and lies about what they are doing, but to punish or silence those who disagree.

We have seen the FCC reinstate complaints made by Mr. Trump and his allies against *ABC*, *NBC*, and *CBS* that had already been dismissed as being contrary to the First Amendment. We have seen the FCC open new investigations into other news outlets that have aired coverage with which the President disagrees.

The White House has gone on a firing spree to silence the independent watchdogs who have exposed alleged corruption and misconduct by, you guessed it, Mr. Musk and the President. Reporters have been evicted from Pentagon office spaces to make room for Right-wing media.

Just yesterday, the White House barred an AP reporter from the Oval Office because AP made an editorial decision to refer to the Gulf of Mexico by the name by which it has been known for over 400 years.

We have seen books, websites, employees, research, and whole Federal departments being purged of speech, information, and work, ranging from healthcare to civil rights to consumer finance, if they don't align with the Trump Project 2025 manifesto.

So, I agree with Ranking Member Raskin that our country is actually in a First Amendment crisis as a result of the actions taken by the Trump Administration and its agents.

Mr. Aaron, I wanted to inquire further about the concern raised by you and Mr. Raskin about collusion between the government and powerful tech executives, particularly in the case of White House special government employee Mr. Musk.

Mr. Musk has a long history of silencing his critics, but what is different now is that Mr. Musk is a Member of the Trump Administration and he is in charge of the extremely destructive, rapid, unscheduled disassembly of Congressionally authorized and funded government departments.

So, not only is he not an elected bureaucrat, but as with the rest of this administration, he is resisting all oversight, whether by independent watchdogs, Members of Congress who have not abdicated their Constitutional duties, or the press.

Just last week, as national concerns were mounting about the White House encouraging Mr. Musk to root around in Americans' private financial and national security data, a *The Wall Street*

*Journal* investigative reporter managed to uncover concerning information about members of Mr. Musk's shadow government team.

Mr. Musk called for the journalist to be fired for reporting accurate information relevant to oversight of the work he is allegedly performing at the direction of the White House. Basically, for performing a core First Amendment function.

Can you comment on the First Amendment implications of Mr. Musk's attacks on journalists, particularly given his new quasigovernmental status and the Big Tech megaphone that he controls?

Mr. AARON. Thank you, Congresswoman. I do agree with you that this is really unprecedented, where we see someone with this much government power and this much media power combined together with really no oversight or accountability. So, we are seeing slashing funds that Congress has approved. We don't know what they are.

Those trying to report on it, those trying to say who is going in with their laptops into the Treasury Department, into the Bureau of Fiscal Services, into all these places, downloading private information, inserting AI.

Reporters are trying to get at that story. Those who did, including uncovering troubling information about some of the people who have been given this immense power and access inside the government, suddenly become targets themselves. They become targets themselves because of Elon Musk's incredible social media megaphone, which he has used to put his tweets front and center and in front of everybody.

When Elon Musk says this person is a target, they very much become a target. That is what we should be concerned about, that kind of government overreach and censorship. Because Elon Musk is no longer just the head of Twitter or the head of X.

Elon Musk is a special government employee, meaning he is not only combining his media power, but now his massive, massive governmental power, which he is claiming entitles him to cancel contracts and fire people and do away. He points all that at a reporter simply trying to do their job.

That is government overreach. That is censorship and a violation of the First Amendment, I believe.

Chair JORDAN. The time of the—

Ms. SCANLON. Thank you. Mr. Chair, I would request unanimous consent to enter into the record yesterday's statement from the *Associated Press* in which the outlet describes how the White House violated the First Amendment by blocking its reporters from the Oval Office.

Chair JORDAN. Without objection. The gentlelady yields back.

The gentleman from Alabama is recognized.

Mr. MOORE. Thank you, Mr. Chair. I appreciate the witnesses being here today.

The Biden-Harris White House has censored campaigns and certainly they have targeted information satire, like our friends at *Babylon Bee* and other content that did not necessarily violate the platforms' policies.

Mr. Taibbi and Mr. Shellenberger, I kind of want to dig in a little bit with you guys on the Twitter Files and let you all tell us a little bit about what you found.

So, Matt, what was some of the, I guess some of the really most revealing things you found as you were going through the Twitter Files?

Now, Elon Musk I understand was a Democrat. You were a Democrat. You admitted being a Democrat. Now, we are seeing a shift. Tell me, Mr. Taibbi, (1) what is it that causes the shift? (2) What did you find that troubled you the most as you were going through that?

Then, Mr. Shellenberger, I will want to pick your brain a little bit on that too.

Mr. TAIBBI. Mr. Congressman, thank you for the question. I don't know the answer to the question of what caused the shift. It is a mystery that we have all been trying to look into for years now.

I don't know why there is a sudden concern when Donald Trump or Elon Musk does something, but nobody stood up even for Democrats when they had their speech suppressed.

In the Twitter Files, we found requests from the FBI that Aaron Mate from *The Gray Zone* be removed at the behest of the Ukrainian secret services. Nothing, no media, major media organizations covered that.

In terms of academic freedom, one of the first things that we found was that Dr. Jay Bhattacharya, who is in line to be the head of the NIH, that he was on a trends black list at Twitter, that was on the first day of the Twitter Files we found that. Nothing, nobody covered that, they called it a big nothing burger.

Same thing with doctors like Harvard's Martin Kulldorf or the University of California's Aaron Kheriaty when they criticized lockdowns. They were deamplified and/or removed. So, academic freedom, suddenly it is a big concern. I agree it is a big concern, but it is a concern in both places. So, it is very frustrating to see that shift.

Michael, do you have anything?

Mr. MOORE. Yes, Michael, if you don't mind, talk a little bit about maybe the Twitter Files, and two, this shift and now where you are seeing people who would normally identify as liberal maybe are now coming to the side of our party or to political argument for conservatives to say hey, free speech matters? What you say, you should be allowed to say what you want to say in a free market, so.

Mr. SHELLENBERGER. Yes, my view is that Democrats will look back at giving up the free speech issue to Republicans as just a catastrophic political failure.

I have changed my mind on a lot of issues, written two books about it. I never changed my mind about free speech, never changed my mind about the illegality and immorality of weaponizing government.

When you look at the history of it in the 1930s, the repression by the FBI was against the Left, against the radical left. You look at the defense of flag-burning. That was by the Left. You look at defense of free speech, often it is by the Left.

It has been a reversal. The Left, the Democrats came to embrace the weaponization of—and censorship because they became so powerful and so entitled at ruling under the Obama Administration, I believe. The intelligence services—

Mr. MOORE. I was going to ask you when you thought it started, but you said earlier about 12 years you could remember. Certainly, Biden–Harris kind of doubled down on what Obama started. Go ahead, sorry, didn't mean to interrupt.

Mr. SHELLENBERGER. Yes, no, that is right. I just think Obama, after eight years of Obama, they transformed. The intelligence community became much more Left-leaning, much more partisan.

So, there is an inorganic and an organic part of the weaponization and censorship, but clearly you see people we reported on the activities of John Brennan, Obama's CIA Director authorizing reverse targeting or bumps to basically instigate the whole Russiagate hoax.

You see these partisan actors in the intelligence, in the deep State agencies, engaging in these activities. You see Democrats as well. That is just bizarre for anybody that has studied this.

Mr. MOORE. Yes, it is like the Chair mentioned, just the fact that the IRS happened to knock on Matt's door the day he was testifying here. The whole system itself, whether it was Big Tech and the Federal Government, that is a terrifying option when you see those people working together to target the free speech of American citizens.

So, it wasn't just Twitter, Matt. I think we saw a memo where Meta, you said Meta, actually maybe Facebook, had been targeted more, I guess by that administration. A little more difficult to get their message out or a little more stringent on how they allowed them to speak freely.

So, you want to maybe touch on that a little?

Mr. TAIBBI. Yes, this Committee did an extensive report on the Facebook files. They uncovered emails showing repeated requests from the White House to be deamplify figures ranging from Tomi Lahren to Tucker Carlson constantly.

We also found in the Twitter Files similar communications from the same people. Also, reporter Alex Berenson found this out about his own account, from *The New York Times* he found this.

They repeatedly pressured Twitter to take down true information, true reports. These, again, were—he is not even a conservative. He was a long-time *The New York Times* reporter who was removed from the platform. Again, silence from the mainstream press during that time.

Mr. MOORE. Yes, I never could figure out who the fact-checkers were, Matt.

Anyway, I yield back, Mr. Chair.

Chair JORDAN. The gentleman yields back. The gentlelady from North Carolina is recognized.

Ms. ROSS. Thank you, Mr. Chair.

I am thrilled that I got to go after Mr. Moore because I am hoping that our witnesses today will apply their same strict construction on the First Amendment to the Donald Trump Administration. I hope it doesn't matter who you think is violation people's free speech rights, who is doing the censoring, that you will have the same ethics and the same integrity.

I myself worked for the ACLU. I represented people whose speech I did not agree with. I believe we need a robust protection of the interchange of ideas.

However, today, not last session when we had these hearings, today the greatest threat to free speech in America comes not from the media, not from Big Tech, but from Donald Trump himself.

He has just made that plain. You don't even have to look around or have an investigative report. He is just telling us what he is doing. So, this hearing today, unless we talk about the Trump Administration as well, is not about protecting the First Amendment.

Rather, it is a distraction from the fact that the Trump Administration is actively working to chill speech, intimidate reporters, manipulate the flow of information, and manipulate the American people. All true First Amendment threats from the leader of the free world.

Let's be very clear. Trump thinks the First Amendment only applies to speech he agrees with. His administration, as we have heard, is purging journalists from press briefings, silencing reporters who dare to challenge him. *CNN*, the *Washington Post*, and *The Hill*, all evicted from their Pentagon offices and replaced by outlets more favorable to the administration.

We just had the recent AP kerfuffle over the Gulf of America. Why? Because this administration does not want accountability. It only wants propaganda.

Trump's own media company, *Truth Social*, same name as what they call the Russian news sources, *Pravda*. *Pravda* means truth. Did he rip it off from Vladimir Putin or the Soviets who invented that in the first place?

It is not just the press. He is going after whistleblowers, firing inspector generals, purging career government employees who refuse to bow to his demand. He is sending a message. Speak out or simply do what you were hired for, and you will be punished.

He has done this before. He has done it in court cases, he has done it as a private citizen. Now, he has the weight of the government behind him, and that is why the First Amendment is implicated.

Now, my colleagues on the other side of the aisle, if they really cared about censorship, they would be condemning these blatant abuses of power that leave our Nation less safe. Instead, they either sit silently or they enable it.

Let's talk about Big Tech. My Republican colleagues spent years attacking social media companies, claiming they were biased against conservatives, also starting their own, all because the Biden Administration flagged certain posts, including one telling Americans to drink bleach during the height of the pandemic.

Now, Big Tech, because it is in their financial interest, is cozying up to Trump. They are rolling back content moderation, allowing disinformation and even hate speech to spread unchecked. Reports show that Trump and his allies are pressuring tech companies, making sure their voices are amplified while dissenting voices are drowned out.

If you didn't like it during the Biden Administration, you have to condemn it during the Trump Administration. Facebook, also known as Meta, has gutted their content moderation and safety teams, rolled back hate speech standards, and when Trump was asked if the decision by Meta was a direct response to Trump's

threats to Mr. Zuckerberg in the past, he said, “Probably.” Yes, probably.

When we talk about the First Amendment, it has to apply across the board. I am frankly glad we are having this hearing today so that we have the opportunity to raise these concerns so early in this very dangerous administration.

Thank you, Mr. Chair, and I yield back.

Mr. NEHLS. The gentlelady yields. I now recognize Mr. Kiley for five minutes.

Mr. KILEY. Thank you, Mr. Chair.

Today’s hearing is an opportunity to acknowledge the jarring reality that for some years we did not have a functional First Amendment in this country. The vast powers of the Federal Government were mobilized to do the very thing that the First Amendment forbids, that is, abridge the freedom of speech of American citizens.

By using its influence over a few tech companies, its ability to pressure, to influence, to cajole, the government was able to conduct censorship at a scale and at a breadth that the founders could scarcely even have imagined and took it to extremes that none of previously would have imagined.

It is now part of the history of this country, it is a chapter in our history that the sitting President of the United States was removed from all the leading social media platforms, the leader of one of the parties, the major parties in our country was removed from the platforms.

It is now part of this history of this country that damaging information about a Presidential Candidate was suppressed on the eve of the election. Then, when it came to perhaps the most significant global event in a generation, COVID-19, the government assured that citizens were not even allowed to provide a truthful account as to how the pandemic began. You were not allowed to say two plus two makes four.

You also were severely restricted in your ability to provide your opinion on what the proper governmental response was. Folks had their posts deleted for even daring to suggest that a two-year-old shouldn’t be forced to wear a mask for hours on end each day.

Of course, as the Supreme Court has repeatedly acknowledged, this has a chilling effect where folks then were forced to steer far clear of whatever that line of censorship might be. For every post that was censored, there were many, many other things that were suppressed as a result.

I think this is also an opportunity to acknowledge how important the oversight of this Committee was. In fact, it is probably, it is likely some of the most important oversight, Congressional oversight, that has been done in the history of the U.S. Congress, is that by exposing what Mr. Shellenberger has called the censorship-industrial complex, we were able to get tangible outcomes where censorship outfits were ended, specific, tangible censorship operations were ended.

You even had Mark Zuckerberg come out and detail exactly the governmental pressure that was brought to bear on him. He even went so far as to say that what Elon did for the Twitter Files, Jim Jordan did for the entire industry.



Beyond those specific results, I think that this oversight effort has also been successful in preventing censorship from becoming a norm in American life, which is I think a very important result.

We forget that freedom of speech is historically anomalous. It is somewhat counterintuitive. It is not even embraced by many of our nominally democratic allies around the world today.

We got frighteningly close to this deeply embedded norm of our country's DNA of the freedom of speech, of that starting to really weaken. It is going to be important going forward to have guardrails in place to ensure that these sort of censorship efforts don't repeat themselves.

Mr. Shellenberger, if we accept the premise, which I think is true, of course that the censorship industrial complex is on the defensive and certainly in retreat, in the Federal bureaucracy, we need to stay on guard.

Are there other sites where it might be reposed? You have mentioned global institutions, but in particular our home State of California, with bureaucracies that are just as if or not more Orwellian than some of these Federal bureaucracies, with a Governor who has vowed to Trump-proof the State. As well as it being the home to most of the major tech companies.

Do you see risks there, and how might we conduct oversight to make sure that doesn't happen?

Mr. SHELLENBERGER. Yes, absolutely. In fact, our friend and colleague, Andrew Lowenthal, just published a report about efforts at the State level to promote censorship. As you know, one of the big pieces of censorship that Governor Gavin Newsome promoted and others promoted was having doctors be censored for not prescribing the official orthodoxy when it came to COVID.

The other thing we see is a lot of media literacy programs are called media literacy. They are basically just teaching kids to accept whatever the mainstream news media tell them without questioning it.

It is the opposite of what John Dewey created with his critical thinking program in the University of Chicago, this incredibly important promotion of the idea of how to think critically, not relying on expert sources, always being skeptical. I do think there is a lot of work that we need to do, and certainly our home State is a place to start.

Mr. KILEY. Thanks very much. Thanks to all the witnesses for your testimony and your assistance in this entire effort by this Committee, and I yield back.

Mr. NEHLS. The gentleman yields. Mr. Balint, you are—yup, Ms. Balint, sorry, you are recognized for five minutes.

Ms. BALINT. Thank you, Mr. Chair.

Let's talk about the real censorship that is happening right now. We don't need some complicated hypothetical deep State plot because we are 3½ weeks into the Trump Administration and it is actively suppressing free speech, and it textbook authoritarianism. This whole conversation has become so twisted and so confused, so I want to bring us back to some basics.

Mr. Aaron, is it accurate to describe censorship as the suppression of certain words that are considered politically unacceptable?

Mr. AARON. I think if the government is doing that, that smacks of censorship.

Ms. BALINT. Yes. Is it true that the government may intentionally try to chill speech by threatening legal action or other consequences to intimidate a speaker into silence?

Mr. AARON. That's certainly true.

Ms. BALINT. So, censorship can take several forms. It can be the government banning speech. It can be the government creating an environment of fear that suppresses speech. I want to look at some of the examples that we are seeing right now with Trump attacking free speech.

Last week Trump's guy in charge of the agency that is supposed to ensure fair access to the media and internet, the FCC—his name is Brendan Carr—he opened an investigation of a radio station that reported on an ICE raid. Mr. Aaron, is the government chilling or limiting speech when it threatens to investigate journalists for literally reporting the news?

Mr. AARON. I think it's a huge problem. The First Amendment protects the rights of reporters to cover what the government is doing. That's what the radio station in California was doing, it was reporting on something of very important community interest. So, the idea the FCC would respond with an investigation, with threats is incredibly chilling to reporters' ability to do their jobs.

Ms. BALINT. Yes, it is outrageous. These are the normal operations of any news organization.

Let's see what it looks like when the Trump Administration intimidates and censors Americans. Let's look at something more direct, more immediate. Trump's anti-DEI orders have resulted in a ban on using certain words in federally funded research. My colleague Ms. Jayapal touched on this earlier. I want to pick up this thread. There is a list circulating at the National Science Foundation banning the use of words like disability, socioeconomic, and even women. It is completely absurd that they are searching for when the word women is being used in federally funded research.

Mr. Aaron, is the government limiting speech when it bans the use of specific words like women?

Mr. AARON. If the government is saying that you will be ineligible for funding based on your free expression, we have a big problem.

Ms. BALINT. We do have a big problem. Trump has made it clear that one of his biggest targets for censorship is in fact American women. On day one Trump removed any mention of reproductive health resources from government websites. This purge included information on privacy protections under HIPAA, the law that keeps our health information private. The Trump Administration also completely shut down *reproductiverights.gov*. At the CDC officials removed contraceptive guidelines and web pages related to HIV testing. In fact, more than 8,000 government websites have been taken down in the last two weeks. This kind of censorship puts American women at risk.

Mr. Aaron, is the government limiting speech when it purges websites of previously public information?

Mr. AARON. I certainly think it is a terrible practice that endangers public health. The government has its own views, and they

can make their own websites, but the idea that they would strip away basic public health information that people need to make sure their kids are OK, understand what medicines are, all the research priorities, that seems far out of bounds.

Ms. BALINT. Shocking. It is shocking. I want to bring it back closer to home, my home State of Vermont. At the University of Vermont professors are now fearing that there will be Federal retribution based on what they are teaching in class. Scientists can't conduct critical research because the world's largest funder of medical research has banned again; let me say it again, the use of the word women in research. What we are seeing on the ground is not a liberal social media industry. You want us to believe that the tech billionaires in the front row of Trump's inauguration are fighting for working people, fighting for a liberal agenda? Give me a break.

I yield back.

Mr. NEHLS. The gentlelady yields.

I now recognize Mr. Fry. You have five minutes.

Mr. FRY. Thank you, Mr. Chair.

I am fascinated by this discussion. I really appreciate you all lending it because I think one of the biggest issues in this last election was this censorship industrial complex. Of course, you guys uncovered a lot of that with the Twitter Files and the like. The American people were rightly frustrated that the First Amendment was absolutely bastardized by this last administration. It happened at the Presidential level, and it happened if you were a doctor or if you were an individual concerned about the health and well-being of your family. It happened relentlessly. We have seen it.

I would think that there might be some recognition on the other side that, you know what, maybe we over-extended ourselves. Maybe we should not have gone this far to corrupt the First Amendment the way that we did. I am not really hearing that today.

Congressman Fitzgerald briefly touched on the State Department's Global Engagement Center, and I would like to continue that discussion on how the Biden-Harris Administration used the GEC to demonetize domestic media outlets and conservative voices.

Mr. Taibbi, the *Washington Examiner* journalist Gabe Kaminsky reported that after Republicans ended funding for the GEC the Biden-Harris Administration made a last-ditch effort to keep it afloat by realigning GEC staff under a new entity, the Counter Foreign Information Manipulation and Interference Hub. Would you say that this hub was just simply a re-branding of the GEC?

Mr. TAIBBI. Yes, Congressman, absolutely it's a rebranding. Its mission statement is identical to the mission statement of the GEC as described in the 2008 legislation—2018 legislation.

Ms. FRY. Is the re-branding of the GEC an attempt to continue censoring information then, particularly conservative voices that the former administration and its allies deemed to be bad information?

Mr. TAIBBI. That would be my impression. It's important to talk about what Gabe Kaminsky found when he did his series in the *Washington Examiner* that the GEC was funding organizations like the Global Disinformation Index and the Institute for Strategic

Dialogue. American money, taxpayer money sent overseas to foreign entities which in turn are scoring domestic media outlets and sending that information to digital advertisers like Zander and other companies.

We have up-ranking of the *Washington Post*, *Politico*, *NPR*, down-ranking of *The Federalist*, *Washington Examiner*, and other organizations. So, we're picking winners and losers. I say this not as a political conservative, but that's the facts of the situation that's what that money was going for.

Mr. FRY. Thank you. What role do you think Congress should take to stop those practices from occurring in the future?

Mr. TAIBBI. The idea of preventing the spending of money on media scoring operations, picking winners and losers—that's not the government's job to try to help one media company succeed over another. That's one of the reasons why we have such terrible media, frankly, is because companies that do a terrible job reporting—they should be accountable to the market. When they have artificial ability to survive thanks to these subterranean maneuvers, that's one of the reasons why we have such a bad press.

Ms. FRY. Yes, I would agree with you on that. Following this Committee's work last Congress a group of advertisers actively colluded against conservative media shutdown.

Mr. Shellenberger, what role should Congress, the FTC, the DOJ, have in preventing the next GARM from resurfacing and colluding to the detriment of speech?

Mr. SHELLENBERGER. Eternal vigilance. God bless you all for what you did around GARM. It was incredible.

This was one of the stories that we uncovered—we had a whistleblower bring to us something called the Cyber Threat Intelligence League, which was an early censorship effort in 2019. They were basically taking all these military tactics developed abroad for counterinsurgency, repurposing them into a new manual, a new handbook for how to do it at home. It included this advertising pressure, which has been a key component of it. You can see multiple things are going on. They're creating these supposed non-governmental organizations to then flag information to be censored. They're putting pressure on the advertisers. They're trying to change the terms of service at the social media companies.

One that Matt just talked about is this group Internews, which we just discovered like five minutes ago, which has been spending hundreds of millions of dollars and the head of it has been out there, World Economic Forum, advocating, pressuring advertisers. That's our taxpayer money going to an organization that's demanding pressure on advertisers to demand more censorship of social media platforms.

Mr. FRY. By default, at least under the old regime, the American taxpayer is funding the demise of the First Amendment if we don't do anything about it?

Mr. SHELLENBERGER. The good news is that if you defund the thought police there's not many people out there that want to independently fund the thought police. So, if the government stops funding it, we do think it will shrink quite a bit.

Mr. FRY. Thank you for that.

Mr. Chair, I yield back.

Mr. NEHLS. The gentleman yields.

I now recognize Ms. McBath for five minutes.

Ms. MCBATH. Thank you, Mr. Chair.

Thank each of you for being here today and giving us your witness testimony. I have read your testimoneys, and I want to say we as Americans have fantastic opportunities endowed by our First Amendment protections. We are given the change to be a better informed and more expressive society, but with such privileges comes a great deal of responsibility.

Many of us get our information from the news. Yes, we are getting it from social media, too. We share our musings or our special moments and photos of your meals. Many of our children are either/or they will soon be on social media and will have a direct line to the world with all its information and misinformation.

As online bullying grows in its prevalence the role of regulation and responsibility of social media companies becomes substantially significant. In the same way you cannot believe everything that you hear and everything that you see, you cannot trust that people will be any more honest online behind the veil of the internet and a keyboard.

On many of these social media sites a 50-year-old man can pose as a 15-year-old girl and a potential predator could pose as your child's very best friend. Sensitive information like personal details or photos are too often shared without the consent of those depicted and we have begun to see the terrible impacts of bullying online and shaming.

There are far too many stories of parents that are losing their children to self-harm because these companies either don't take action fast enough or downright fail to implement policies to keep our kids safe.

We recently celebrated the passage of my bipartisan law to protect our kids from online exploitation and empower law enforcement to catch predators who have sensitive or explicit material. I want to recognize those families of young people who have been lost to instances of online targeting for their courage and strength in sharing their stories. I know how difficult it can be, and we are grateful to have you with us in the fight to change our laws and hold these companies accountable.

Let's be honest, today's hearing is a distraction and undermines the very real pain and confusion that far too many families feel when some of the most powerful tech companies in the world fail to protect our children. Social media companies bear the responsibility of preventing harm and monitoring sensitive content that can endanger our loved ones and should not be intimidated by the powerful few when enforcing safety standards.

Those of us on this side of the aisle at least are focused on the needs of American families over the needs of a wealthy few who attempt to control the flow of information online and in our media. We will hold them accountable.

Mr. Aaron, my question is for you. If social media platforms are prohibited from enforcing their community safety standards and news media outlets are unable to carry out responsible journalism for fear of retaliation by extremely wealthy individuals, how are these platforms likely to change?

Mr. AARON. Well, I do think we have a concern if social media platforms aren't able to make their own decisions as private companies and be responsive to the needs of their users who have asked for them to address the kinds of threats and dangers that you're talking about. We want them to be able to do that without fear of government retribution. Their own users are not telling them that they want them to keep up hateful content, calls to violence? Obviously, anything illegal they should act on, but their own users are asking them to moderate content to improve their experience.

I believe that as private companies they do have their own rights, their own speech rights to make some of those decisions. If we force them, I think that's a problem. I don't think that's the role of the government. I think it's the role of the users to keep them accountable. I've spent a lot of time haranguing these companies, as I'm sure others have. We're going to have to continue to do that.

I think when it comes to the media, obviously if they are living in fear of retribution, they are under the thumb of the administration, their bosses are signaling that they will not back them up when their journalists are out there trying to report, then we have a serious, serious concern and I think a real threat to free speech.

Mrs. MCBATH. Well, thank you so much. We are on a slippery slope here in this country and just thank you for your testimony. I yield back.

Chair JORDAN. The gentlelady yields back.

The gentlelady from Florida is recognized.

Ms. LEE. Thank you, Mr. Chair.

Welcome to your witnesses. Today we are here to discuss censorship. One of the most alarming fronts in the battle against censorship is the Left's early attempts to control and to over-regulate artificial intelligence.

Instead of fostering innovation and ensuring AI serves the American people, Democrats have rushed to impose sweeping limitations and restrictions, restrictions that have silenced voices, that have distorted facts, and that have the potential to undermine our competitiveness in the global stage. There is growing evidence that artificial intelligence chatbots and models refuse to answer certain questions or can give skewed responses based on political bias.

The Biden Administration and blue States pushed heavy-handed regulations with an approach that wasn't protecting Americans from real harm like China's AI-driven propaganda or deep fake fraud. Instead, it was about controlling speech. Some proposals even suggested that AI-generated content should be pre-approved by the government. That is not guard rails; that is a Ministry of Truth.

America leads the world in technology because we champion free thought, open debate, and competition. If we over-regulate AI and stifle free speech, we won't just lose those values; we lose our technological edge to Nations who do not share our commitment to freedom.

Mr. Taibbi, I would like to start with you. Do you think AI censorship has the potential to be more insidious than social media censorship because it is baked into underlying algorithms making it harder to detect by the average user once it is there?

Mr. TAIBBI. Congresswoman, thank you for the question. I absolutely do think that. In fact, that was a critical reason I think that a lot of us were alarmed when we worked on the Twitter Files. We were very fortunate thanks to the freak accident of an overcaffeinated billionaire deciding to dump all the stuff into the public. We got access to all these emails showing the decision processes that led to all these different people being flagged or censored or removed, on the Left and the Right, frankly.

AI with that technology there's the possibility that there wouldn't be no trace of anything. You could just give it some general guidelines and the entire process could be automated, and it wouldn't leave that kind of a trace for us to sift through later on.

That's why I think there was a significant alarm, from what I understand talking to sources in Silicon Valley last spring, that after having some discussions with the Biden Administration about their plans for AI going forward. That was one of the reasons why there was a sudden shift in the donations from Silicon Valley from one party to the other.

Ms. LEE. If AI models are programmed to reinforce one political perspective while shutting down another, what impact do you think that will have on the public discourse, most especially for our young people who are receiving a significant amount of information from chatbots and artificial intelligence?

Mr. TAIBBI. Well, it's very scary because one of the things that we found again in the Twitter Files is we were asking ourselves the question, well, how are they doing this, how are they picking which topics to look at or which posts to look at? Ultimately, we figured out that essentially they were prechoosing narratives and then looking for posts that fell into the bucket of things that might constitute violations.

For instance, things that might have promoted vaccine hesitancy. Even if it was true information. Even if it was somebody who took the shot and died for an unrelated reason, or somebody who had an unpleasant experience getting vaccinated, that would fall into the bucket of something that would promote hesitancy. AI would be far faster of doing the work of identifying narratives and identifying posts that fall into those narratives.

Now, the thing that's offensive about this to me as a journalist, again, is that this has nothing to do with the accuracy of the underlying material. It's the narratives that are important in this entire world. That's what's scary.

Mr. LEE. What can Congress do, or perhaps more importantly should Congress not do to help support an information ecosystem that is fair, open, and unbiased?

Mr. TAIBBI. It's more in the direction of what they shouldn't do. Shouldn't get involved. The nightmare scenario is what we're already seeing play out in Europe with the Digital Services Act where you have this gigantic sort of retinue of what they call trusted flaggers going through information and constantly deciding which narratives are acceptable, which ones aren't. That's what we can't have. We cannot allow that to exist either formally or informally, which is what we saw already happening.

Ms. LEE. Thank you.

Mr. Chair, I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Illinois is recognized.

Mr. GARCIA. Thank you, Mr. Chair and the Ranking Member.

To the witnesses here today, as my colleagues have said the free press has played a fundamentally important role throughout American history. Investigative journalists have exposed corruption, exploitation, discrimination, and yes, government lies. So, for all those reasons I am a little surprised that my colleagues from across the aisle, my Republican colleagues would have chosen to revisit this topic.

After all, it draws attention to the fact that shadow President Musk, who is currently serving as a, quote, "Special Government Employee," is also using a social media platform that he owns and controls to circulate deceitful propaganda on behalf of the regime that he serves.

Mr. Aaron, let me ask you a few questions. How do lies coming from someone designated as a government employee damage the flow of accurate information to the American people?

Mr. AARON. Well, the American people have an expectation that their leaders should be doing everything they can to tell them the truth. So, obviously, if they're being fed falsehoods, that's a huge problem and it creates obviously greater distrust in government and often obviously leads to things that government leaders don't want the public to know about.

Mr. GARCIA. Have you seen those types of falsehoods on exhibit since the President Trump was inaugurated?

Mr. AARON. Well, I imagine there's a long history in the government of some people not telling the truth. Certainly, President Trump has very often misled people, lied, relied on falsehoods, exaggerations and the like. Yes, I think it's very concerning.

Mr. GARCIA. What does it mean for a democracy when its richest citizen is using both major social media platform that he owns and his official status as a Special Government Employee—what that title gives him to undermine the free press?

Mr. AARON. Well, I think that the American public has a lot of people are questioning what power does that title give him? Where are the limits on Elon Musk's power? What is he being allowed to do and for him at the same time to be able to control a powerful social media platform and dictate those terms? It's one thing to be the leader of a media company; it's another to be a leader of the government. When those two things are combined, I think that is where we get into a very troubling area.

Mr. GARCIA. That is the ride that we are in right now. One last followup, Mr. Aaron. Since shadow President Musk stood next to President Trump to make the claim that, quote, "all of their actions are maximally transparent," when leaders use the tactics you just described are they generally trying to be more transparent or less transparent?

Mr. AARON. Well, in my experience, Congressman, when they're so loudly proclaiming how transparent they're being while not sharing information that usually means people are covering things up and don't want the public to know what they're doing.

Mr. GARCIA. Thank you very much.

Mr. Chair, I yield back.



Chair JORDAN. The gentleman yields back.

The gentleman from Texas is recognized.

Mr. NEHLS. Sir, I yield my time to the Chair.

Chair JORDAN. I appreciate the gentleman yielding. Mr. Taibbi, is censoring false speech, OK?

Mr. TAIBBI. Mr. Chair, no, the government has no role—I was—

Chair JORDAN. Not supposed to censor false speech, not supposed to censor wrong speech, not supposed to censor stupid speech? Congress is guilty of doing stupid speech probably every day. You are not supposed to do that because we have a First Amendment and the answer to stupid, false, and wrong speech is more speech. That is what the First Amendment is.

Mr. TAIBBI. That's right.

Chair JORDAN. Is that accurate?

Mr. TAIBBI. Yes, it is.

Chair JORDAN. It was particularly troubling in the last administration that they censored so much speech that wasn't false. That would have been bad; that would have been wrong. That is a violation of the First Amendment. They censored so—and you have referenced it multiple times, whether it was Dr. Bhattacharya or Mr. Berenson, a journalist for *The New York Times*, things they said about COVID that actually turned out to be true. That was censored.

Mr. TAIBBI. Right, that was censored. Then, the most dangerous misinformation of all almost always comes from the government. Under the previous administration and possibly even this one, who knows, but the Biden Administration was consistently wrong about—in its COVID messaging.

Chair JORDAN. They were wrong about everything. They told us that it didn't come from the lab. Surely looks like it did. A number of government agencies that they think are—got all the smartest bureaucrats in the world say it came from the lab, I think including the FBI, for goodness sakes. We have had a lot of problems with—but they said it wasn't our tax dollars used at the lab. Yes, it was. They said it wasn't gain of function research done at the lab. Yes, it was. They said the vaccinated couldn't get it. Yes, they could. They said the vaccinated couldn't transmit. Yes, they could. They said mask work. No, they didn't. Then, they said the six-foot social distancing was based on science.

Dr. Fauci said in the deposition. I was there, and he said it—they kind of made it up. Wasn't based on science. I think that they were oh for eight. That's exactly the stuff, if you disagree with any of those eight positions, that is what they attack. So, it wasn't like false speech, which is bad enough. It was actually accurate stuff.

You don't have to take my word for it. Mr. Zuckerberg wrote the Committee a letter and said it was those kind of things relative to COVID that the Biden Administration day after day pressured them to censor. That is scary.

Here is the thing we forgot, and I don't think this has come up in the hearing. Yes, we have been at this, what, 3½ hours. That administration actually tried to set up a commission to police speech. It was called the Disinformation Governance Board. As if a bunch of other bureaucrats could further tell us, no, you can't say

that. They were going to do it. What was her name? Ms. Jankowitz. Jankowitz was going to lead this thing. You are like, what?

So, Ms. Subramanya, we were pretty close to being as bad as all the other countries you have talked about, and frankly your country Canada. We were right there but for the work of folks like you and others highlighting this. I will let you finish up and talk about just how dangerously close the United States with the Constitution, with the Bill of Rights, with the First Amendment, with free speech how close we were to having a Disinformation Governance Board, for goodness sakes.

Ms. SUBRAMANYA. Absolutely. Here was an unelected bureaucrat who was going to tell you what the truth was. She was going to be the arbiter of the truth. The United States came pretty close to the kind of situation that you see in Canada.

I just want to say a quick thing about billionaires. Billionaires have come up in the conversation here quite a bit. I don't recall anyone objecting to George Soros. I don't recall anyone objecting to Bill Gates. All these people were meeting politicians on the other side of the aisle and setting the agenda behind closed doors. What's different now, in my opinion, is the fact that we have transparency. It's only been a few weeks, but the fact of the matter is that Musk tweets—posts everything online. President Trump has been extremely transparent about what he's campaigned on and he's carrying out that agenda. I welcome the transparency. It's still early days. This administration should be criticized if they're crossing a line and where the First Amendment rights are under threat. The transparency which we see right now is very welcomed. I just find that the hypocrisy of picking on one billionaire and leaving out the rest is a little jarring.

Chair JORDAN. Yes. He is maybe—you talk about transparency. He is certainly willing to answer the press' questions, probably more than any president we—certainly more than the last one. Certainly, more than the last one.

I yield back to the gentleman from Texas and thank you for yielding.

Mr. NEHLS. Mr. Chair, I yield back.

Chair JORDAN. The gentleman yields back.

The gentlelady from California is recognized.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair, and thank you, Ranking Member.

I appreciate the witnesses for being here today. I just want to break some things down for us laypeople. So, Mr. Taibbi first. Would you agree that Congress is part of the government?

Mr. TAIBBI. Yes.

Ms. KAMLAGER-DOVE. OK. Thank you.

Mr. TAIBBI. Well, at the Executive—

Ms. KAMLAGER-DOVE. Mr. Aaron—thank you. Mr. Aaron, would you agree that the President, the Executive Branch is part of the government, yes or no?

Mr. AARON. I would agree.

Ms. KAMLAGER-DOVE. OK. Yes, the President is the government. OK, so now I would like to talk about what is a public figure.

It is a person who has achieved fame, prominence, or notoriety through achievement, luck, action, or in some cases through no purposeful action of their own.

So, Members of Congress, many journalists, and some of you here are public figures. Yes, the President of these United States, by virtue of the position is a public figure.

As a public figure, under well-established law, there is a higher threshold for defamation. You have to prove actual purposeful malice, because as a public figure, you are open to criticism. We all are.

So, what is censorship? It is when the government dictates what you can and cannot say. Essentially tells you to shut up. It is the equivalent of a very loud, Ssshhh.

What happens when you don't Ssshhh, when you express yourself, when you share an opinion that doesn't square with someone's idea of truth, or that they feel hurts them. Well, hello, defamation. It is lawsuit time.

If you defame someone, they can sue you. If you win, you can seek things like monetary damages, money, an injunction precluding you from doing what you did again in the future, or a retraction. You had better say sorry, my bad.

The ultimate result is to shut someone up and to make others rethink speaking up. Now, I don't think you all want to be told to shut up, or do you?

You want to be made to shut up? I don't think so, because that is censorship. Dictating, defining what someone can or cannot say.

So, since 2016, this President, now the government, has sued the *Washington Post* for defamation seeking \$3.78 billion in damages over something about porn and banking. He has sued *ABC News* for defamation, and they agreed to pay him millions of dollars and say, sorry.

He sued a local Wisconsin TV station for defamation over a campaign ad. Talk about thin skin. Sued *CBS News* for a deceptive, false, or misleading act in commerce, seeking \$10 billion over an interview.

Then, Meta got sued for the opposite, for actually taking down Trump's account after January 6th. When January 6th did happen, people killed a Member of the Capitol Police. There were cop killers in that bunch who got pardoned.

I digress. Meta agreed to pay \$25 million, having some of the money go to the Presidential library, Trump's friend got hired, they said, no more fact checking.

So, in my hood, that is what somebody would call a shakedown. Then, sued *CNN* for defamation. (1) Allegedly comparing Trump to Hitler, and (2) describing Trump's false claims that he won the 2020 elections.

So, lots of defamation lawsuits from Trump, a lot of chilling effect, intimidation, silencing, and fear. If the government can come after *CNN* and Meta, then surely the government can come after any American that says something the government, this President, doesn't like.

So, I was struck by the *CNN* defamation lawsuit, because Trump sued them for the use of the phrase, the big lie, in connection with his 2020 election loss challenge.

*Fox News*, arguably the largest media outlet in the country, called Arizona in the 2020 election for Biden. Trump didn't sue *Fox*. Same story, very different treatment from the President.

Then, there is Hitler. So, a *CNN* correspondent allegedly compared Trump to Hitler. Then, J.D. Vance, a public figure who wrote a book that became a movie, who was on the circuit promoting the book, texted a former Yale roommate, actually calling Trump America's Hitler.

This America's Hitler text was shared in news outlets around the country. Only *CNN* gets sued and J.D. Vance gets picked as Trump's Vice President.

Such duplicity and a profound abuse of the laws of defamation, because it is not really about defamation. It is about censorship by this President, supported by this Republican government.

I could not find a single President in the history of this country who sued someone or an organization for defamation. Nor could I find a single President who tried to lower the bar for defamation lawsuits against the media.

Note, true statements and expressions of opinion are inherently not defamatory. I yield back.

Chair JORDAN. The gentlelady yields back. The gentlelady from Wyoming is recognized.

Ms. HAGEMAN. This Committee has worked tirelessly over the past two years to expose the censorship industrial complex, and how censorship has permeated so many of our once trusted institutions.

We have confirmed, for example, that the Biden Administration pressured and coerced Facebook/Meta and other social media companies to remove true and accurate content, including the fact that the Hunter Biden laptop, in all its horrific glory, did in fact, belong to him, and was an honest depiction of not only his life, but of his corruption.

We exposed the World Federation of Advertisers, or WFA, and its evil spawn, the Global Alliance for Responsible Media, or GARM, as being in reality, a trillion-dollar antitrust operation designed to prevent conservative media from generating revenue through advertising sales.

We informed the public that their government, a government that they pay for, was using third parties to prevent them from obtaining accurate information about COVID-19 and the efficacy of the vaccines.

We exposed the long-term effort by our so-called political betters to censor our speech, to prevent us from freely exercising our religion, to prohibit us from assembling peaceably, to destroy freedom of the press, and to block our ability to petition our government for redress, the five pillars of the First Amendment to the United States Constitution.

To say that what we learned is frightful and frightening is an understatement. It is the absolute antithesis of a free society.

If we cannot speak the truth to power, we have no power. If the government can block the dissemination of valid, legitimate, and accurate information about our very healthcare, then we are serfs, not free people.

If the entire mainstream media complex is turned into a government mouthpiece, corruption becomes the order of the day. Freedom, equal protection, the rule of law, and accountability mean nothing.

There were numerous people who helped expose the scandal, including several on this panel today, and the American people thank you. Your willingness to take on the censorship industrial complex is admirable, and it is not hyperbole to say that you had a hand in saving our republic.

We also learned that this censorship apparatus was not limited to just a few Federal employees, but was a whole of government approach that was launched to protect the Bidens, Fauci, Mayorkas, and others while targeting Trump's supporters and the disfavored.

Here we are, the dust has largely settled, and we have wrested control away from would be dictators, pulled back the curtains and turned the sunlight on to disinfect the dark, dank corners of Washington, DC.

Yet, I am not aware of anyone who created this censorship infrastructure being held accountable for the last almost 10 years of relentless, well-funded, and well-orchestrated attempts to nullify the First Amendment.

Here is my question. Are any of you aware of any political leader or Federal employee being held accountable either by being reprimanded or fired, being sued, or having criminal charges brought against them, for violating Americans' First Amendment rights?

Mr. Shellenberger?

Mr. SHELLENBERGER. The only person I can think of is Nina Jankowitz, who was basically forced to step down after—

Ms. HAGEMAN. She didn't get a job.

Mr. SHELLENBERGER. What is that?

Ms. HAGEMAN. She didn't get the job.

Mr. SHELLENBERGER. Yes, she just didn't get the job.

Ms. HAGEMAN. Mr. Taibbi, are you aware of anybody being punished?

Mr. TAIBBI. No. I can't think of anybody.

Ms. HAGEMAN. Mr. Aaron?

Mr. AARON. Based on your description, I don't know.

Ms. HAGEMAN. Ms. Subramanya?

Ms. SUBRAMANYA. I am not aware of any politician anywhere on the planet, anywhere in the Western Hemisphere, who has been held to account for violating people's free speech rights.

Ms. HAGEMAN. So, don't you find it strange that the architects of this situation have not been held accountable for violating our rights?

On his first day in office, President Trump issued an Executive Order prohibiting Federal officials from engaging in censorship and directing reviews of previous Federal involvement in censorship. That is a good first step.

I don't think it is enough. I believe that Congress must act to defend the First Amendment, which is why I developed legislation with Representative Dan Bishop, last Congress, now introduced in this Congress, as the First Amendment Accountability Act, which

aligns with the President's Executive Order, but it has actual teeth in it.

What my Accountability Act says, that it creates a Federal version of 42 U.S.C. 1983, a civil rights statute, and it says, that should a Federal employee deprive any person of their First Amendment rights, the employee shall be held liable to that person for damages, a suit in equity, or other proper proceeding for redress, including the award of attorney's fees.

Mr. RASKIN. Would the gentlelady yield for a friendly question?

Ms. HAGEMAN. No, I will not. Mr. Aaron—

Mr. RASKIN. For a friendly question?

Ms. HAGEMAN. No. Mr. Aaron, do you believe that an individual employed by President Trump and the White House should be able to violate your First Amendment rights to censor your speech, yes or no?

Mr. AARON. No. I don't think you should be censored.

Ms. HAGEMAN. So, I take it that you support my First Amendment Accountability Act, to make sure that such an action never happens. If it did, that you would have a remedy to protect yourself. Is that right?

Mr. AARON. I would be happy to look at the legislation and the text you have prepared.

Ms. HAGEMAN. As to each of the rest of you, Mr. Taibbi, Mr. Shellenberger, and Ms. Subramanya, do you believe that the First Amendment Accountability Act is a good idea?

Mr. TAIBBI. I do.

Mr. SHELLENBERGER. It sounds good to me, but I would love to read it.

Ms. SUBRAMANYA. I support it.

Ms. HAGEMAN. Thank you. I yield back.

Chair JORDAN. Just as importantly, the Chair and the Ranking Member support the legislation. It is a good bill.

With that, we yield to the gentleman, his first Full Committee hearing, the gentleman from Florida is recognized.

Mr. MOSKOWITZ. Thank you, Mr. Chair. When I got to Congress, I wanted to be on the Judiciary Committee. I was placed in purgatory with Comer. I was worried about all the stuff that I was going to be missing in Judiciary.

Chair Jordan started today, the hearing, he said, "what a difference four years makes." Well, apparently not, because today is Groundhog Day.

So, I just want to thank the Chair. He knew I had FOMO missing out on all these hearings. So, I brought pictures of the Chair doing this hearing.

So, here is one picture from March 9, 2023, he did this hearing. Then, on March 30th, he did the hearing again, in 2023.

Chair JORDAN. A different tie. A different tie.

Mr. MOSKOWITZ. Oh, we will get there. We will get there, Mr. Chair. Here is one from July 20th, doing the same hearing.

On November 30th, the same hearing. OK, February 6th, the same hearing. There are so many more. On April 11th, identical hearing. Finally, May 1st, the same hearing.

So, by the way, anyone keeping score, a Chair wore a red tie at four of those hearings, a yellow tie three times. Today at the eighth hearing, we are even now, today is yellow tie day.

So, four yellow ties, four red ties. I tried to match you, Mr. Chair, but mine is a little more gold. I will work on the hue. It is the golden age. Ah-ha, the golden age.

At least I now know what to get the Chair—

Chair JORDAN. Does the gentleman yield?

Mr. MOSKOWITZ. For Christmas. Well, I will yield in a second.

Chair JORDAN. OK.

Mr. MOSKOWITZ. Mr. Chair, don't let Comer out-Comer you. James is out there Comering around with new falsehoods, and we are doing a hearing that we have done eight times.

If you need some ideas, we've got some. I feel bad for the Ranking Member. Ranking Member Raskin came all the way over here from Oversight. We had a vote. In fact, several of us came over here from Oversight.

So, if you need some ideas from us, we will gladly assist. Look, we are doing free speech, OK? So, since we are doing free speech and censorship, I want to talk about a former friend of this Committee and winner of Nazi of the Month Club, Kanye West.

While there are no eggs on the shelf, there is definitely egg on your face. Last week, there were an endless, endless amounts of Nazi tweets by Kanye West. I am going to read some of them.

I love Hitler. I am a Nazi. The Jews were better as slaves. Hitler was so fresh. I can say Hitler as much as I want. It went on for days.

If that was not enough, he ran a commercial during the Super Bowl, directing people to his website. The only thing the website was selling was a shirt with a swastika.

So, the marketplace of ideas. They say oh Jared, but it is the marketplace of ideas. Well, as we mainstream Nazis, what happens when Nazism becomes the marketplace?

The Chair said he is worried about Europe. Maybe we should go to Europe. While we are there, maybe we should go to Auschwitz to see what happens when you mainstream Nazis.

Mr. Shellenberger would say, but Jared, free speech is absolute. Don't be a censor. Actually Kanye accidentally disproved that idea. He proved that free speech is not absolute.

You see, what happened, was he started posting porn on X. Then, all of a sudden, the conservative free speech masters of the universe were outraged. Elon unfollowed him and then labeled Kanye's account.

So, imagine if Kanye had only posted Nazi porn. Well, Mr. Shellenberger and other conservatives would be saying, well, the Nazi party is OK, as long as they keep their clothes on.

So, remember, if you are a Nazi, just keep your SS uniform on. Don't take it off, because that is when we are going to get the censorship.

This is a hearing about free speech. My colleague from Texas said nobody blamed Biden for the cost of eggs. He has every right to say it, because it is free speech.

That is total bullshit. OK. Look, all my colleagues are blaming Biden for eggs. Former President, now President Trump blamed

him on October 26th, before the election, blaming him for the price of eggs.

So, let's get some grit. Now, Mr. Chair, I will yield to you.

Chair JORDAN. Well, I was just going to ask a question. We could ask our witness, but I will ask you, since this is your time.

If you are going to have eight hearings on something, I can't think of something much better than protecting the fundamental liberty that makes this, as Ms. Subramanya said last Congress, that is the hallmark of Western civilization, the ability to debate and protect the most fundamental right we have.

All the other rights in the First Amendment do not mean squat if you can't talk. That is what we are defending.

So, we should have maybe had nine or ten hearings, because this, the First Amendment and free speech are so darn important. I would just maybe ask Mr. Shellenberger, Mr. Taibbi, and Ms. Subramanya, do you think we could have more hearings on something this important?

Mr. SHELLENBERGER. Well, first Congressman, thank you for your advocacy for UAP disclosure. I am glad that we agree on that one. I am right there with you on that all the way.

I am with the Supreme Court on this issue of Nazism. Aren't you? Do you disagree with the *Brandenburg* decision?

Mr. MOSKOWITZ. So, the answer—

Mr. SHELLENBERGER. The *Skokie* ruling?

Mr. MOSKOWITZ. Reclaiming my time, I know we are over Mr. Chair. So, I will land the plane for you.

What you are describing is a time when two or three, or a dozen Nazis could march in a neighborhood. Things have changed dramatically when a Nazi with 30, 40, or 50 million followers can buildup a whole platform behind being a Nazi.

You don't have to listen to me, look at the data. With what is going on with antisemitism in Europe and in this country. That is not happening because 20 Nazis marched in a community. It is happening because we are allowing it to proliferate on an online platform.

So, I would say, Mr. Chair, you are right. Freedom of speech is super important. You guys won the election. I have never seen a team win the game and then go out and be like, the refs, the refs, the refs.

You guys won. It is over. We lost. Biden is back in the basement where you say he lives. We are good.

Mr. SHELLENBERGER. Congressman, do you really think that the founders meant for a new media technology like radio or telegraphs to change the First Amendment?

Did they write the First Amendment and say, well, but if a future technology comes along like the telegraph, or the television, the radio, then we are going to go ahead and get rid of the First Amendment?

Mr. MOSKOWITZ. No. We are not getting rid of it.

Mr. SHELLENBERGER. So, why change it?

Chair JORDAN. The time for the gentleman has expired. We have others that are waiting.

Mr. SHELLENBERGER. I am looking forward to more talks later.



Chair JORDAN. Yes. The gentleman from Texas is recognized for five minutes.

Mr. HUNT. Thank you. In 2020, what you were viewing on Facebook, Instagram, and Twitter, was not an organic newsfeed. It was a State-approved newsfeed curated by the Biden–Harris Administration.

This might sound familiar. This newsfeed is brought to you by Pfizer. This newsfeed is brought to you by the Biden–Harris Administration.

This newsfeed is brought to you by the big Russia lie. We know it is true, because 51 intelligence officers said it was. Right? Wrong.

The Republicans, conservatives, and America First Patriots endured years of gaslighting, censoring, democratization, suspension, debanking, collusion to deplatform, and every restriction of free speech imaginable, all under the Biden–Harris Administration.

In the past seven years, we have witnessed the greatest assault on the First Amendment in American history. Remember, the Democrats are the party of preserving democracy. Right?

We expected this type of censorship from the Biden–Harris Administration. What we didn't know, was how coordinated their efforts were with big tech companies like Meta, Amazon, and Twitter.

What I want to talk about today are the groups responsible for this censorship. Now, Twitter has been saved thanks to Elon Musk, but Meta remains in the hands of the very people who worked with the Biden Administration to silence our voices.

I know that Meta recently changed their policies concerning censorship and free speech, but who is to say that those changes will be permanent?

Let's talk about Meta's political content figure, which magically disappeared on the new Trump Administration. Will this political content filter magically reappear if the Democrats take back the White House at some point in the very distant future?

Will voices like mine and many of my colleagues in this room be suppressed ahead of the midterms? These are all questions that inquiring minds really want to know.

Now, you might have noticed that recently Mark Zuckerberg has been on a press tour to repair his procensorship image. Those of us who have been subject to censorship, especially this U.S. Congressman, I don't forgive and I don't forget quite so easily.

Let's not forget that Meta banned the sitting President of these United States of America from Instagram and Facebook. Interestingly enough, Meta banded President Trump before Biden even took office.

So, you cannot defecate on the President's First Amendment rights and call it chocolate pudding at this point. Just because you give a million—

Mr. RASKIN. Would the gentleman yield?

Mr. HUNT. Dollars ex post facto, does not change the fact that you did this, and this actually happened.

I have seen Democrats on TV for the past week scream, Elon Musk, Elon Musk, Musk, Musk, Musk, Musk, Musk, Musk. It has been quite invigorating, actually. I have really enjoyed it.

What is funny about it to me, is that you are mad at the guy that found the fraud, but not mad at the people that wasted your money. Here in Congress, we clearly can't cut a budget. So, I really thank Elon for doing our job for us.

Mr. Shellenberger, thank you for being here, sir. As a leading expert in the suppression of freedom of speech, what is the most egregious example of censorship from Meta that has occurred during the Biden Administration, in your humble opinion?

Mr. SHELLENBERGER. Probably the censorship of what Facebook itself called true stories of vaccine side effects. These are ordinary moms and dads who are describing the impact of vaccine on their kids.

They were censored without their knowledge. Against the opinion of Facebook's own executives who said, if you want to increase vaccine hesitancy, there is no better way to do it than to censor people that are trying to share those stories.

That is the most fundamental kind of conversation that we should be allowed to have between ordinary folks. Facebook secretly censored it at the behest of the Biden Administration.

Mr. HUNT. Do you see a return to some of the policies that I was referring to, with Meta, in terms of the upcoming election, the upcoming midterms, the future?

I understand right now it is really cool because President Trump won. So, now you want to be in the Cool Guy Club.

What measures do you think need to be done, or do you see a potential return to that if we don't get this right in the next 18 months?

Mr. SHELLENBERGER. I think yes, absolutely. I think Zuckerberg, his statements were amazing recently. Of course, he had made similar statements including defending Holocaust denial on Facebook.

In 2019, he went back on that. As you mentioned, he deplatformed the President. So, not super reliable, so I do worry about that.

The most important thing for Congress to do is to find every penny that is going to censorship activities in the Federal Government, phase them out. Then, some investigation to hold the Right people accountable.

Because, I am with you, I was censored on Facebook for sharing true information as well. I won't easily forget it.

Mr. HUNT. Thank you very much. I yield back the remainder of my time. Thank you, sir.

Chair JORDAN. The gentleman yields back. The Mayor of New York, the gentleman from New York is recognized.

Mr. GOLDMAN. Thank you, Mr. Chair. Of the eight hearings on this topic, I do give you credit, this is only the third one with these same witnesses.

This one though introduces a new wrinkle, censorship by foreign countries. Of course, which Congress has no jurisdiction over.

So, I do give you some credit because at least the first two with them had something to do with our jurisdiction.

Chair JORDAN. Does the gentleman yield?

Mr. GOLDMAN. Not yet.

Chair JORDAN. OK.

Mr. GOLDMAN. Now, let's look at what has happened over the past three weeks. Donald Trump pardoned more than 1,500 criminals from January 6th, including hundreds who were convicted of assaulting police officers. So, much for backing the blue.

He tried to freeze all Federal funding, SNAP benefits, Medicare, Medicaid, Social Security, tax refund checks, you name it. Illegally fired senior officials and Inspector Generals, and even the Director of the Office of Government Ethics, because they might, God forbid, provide accountability to the convicted felon in the White House.

The President has given an unelected billionaire total access to the inner workings of every Executive Branch agency. He is freely terminating government contracts and government officials.

Now, whether you agree or not, with whatever Donald Trump and Elon Musk are doing, it is a breathtaking and unprecedented usurpation of government power.

Instead of Congress actually using its oversight authority to provide a check and balance on this government takeover, the Republican majority is once again here talking about Hunter Biden's laptop, the Twitter files from many years ago, and now a new one, censorship in Europe.

Now, when asked about what guardrails there may be on Elon Musk's infiltration of our Federal Government this past weekend, the Chair said, and I quote, "The guardrails are all you all in the press who are talking about it every day."

The press? The press? What about Congress, Mr. Chair? Our Constitution places responsibility for oversight and accountability on Congress, not the press.

It is almost as if my colleagues on the other side of the aisle wake up in the morning and think, how can I undermine my own power?

Let's be very clear, nobody has any idea what Elon Musk is doing, including the President, including my friend from Texas, who has no idea whether Elon Musk has found fraud or not. I find it shocking that my Republican colleagues are willing to simply take Elon's word for it.

Just yesterday, Mr. Musk admitted that at least some of what he says is incorrect. So, even Elon Musk does not take his own word for it.

Now, how about this Committee investigate Elon Musk's rampant conflict of interest, Mr. Chair? He has six companies that have at least \$13 billion of government contracts, and here he is making decisions about what government contracts should be canceled.

I want to introduce by unanimous consent, an article in *The New York Times* from yesterday that talks about the 32 ongoing investigations into Elon Musk and his companies.

This article outlines how Trump and Musk have fired officials in 11 Federal agencies that are leading investigations or enforcement matters or lawsuits pending against Elon Musk. Now, all the investigations have stalled. Lucky, Mr. Musk, can't be—

Chair JORDAN. Objection.

Mr. GOLDMAN. A conflict of interest.

Chair JORDAN. Objection. Continue.

Mr. GOLDMAN. The Consumer Financial Protection Bureau has received hundreds of complaints against Tesla. Last week, after

Elon Musk gutted that agency that protects everyday Americans against corporate greed, Mr. Musk Tweeted CFPB R.I.P.

Now, these are clear conflicts of interest. It is clearly within the jurisdiction of this Committee to investigate, with our oversight power, the conflicts of interest.

You know what the White House's response is? Let the guy with the conflicts decide if he has conflicts. Just yesterday, Mr. Musk announced that he canceled 89 government contracts worth \$881 million in the Department of Education. That is money Congress appropriated.

We have the power of the purse. Maybe it is wasteful, maybe it is not. I have no idea. You have no idea. It is a blatant violation of the law and the Constitution.

Apparently, my Republican colleagues are so weak and afraid of Donald Trump and Elon Musk that they are willing to undermine their own Constitutional authority just to please them. You are giving away your own power in fealty to Donald Trump.

So, Mr. Chair, I ask that for our next hearing, we actually do some oversight and accountability of what this Administration is doing right now, not what the Biden Administration did years ago.

I yield back.

Chair JORDAN. The gentleman yields back. I would just ask Mr. Shellenberger, if European law results in the censorship of Americans, is that something that the Judiciary Committee should be concerned about?

Mr. SHELLENBERGER. Yes, absolutely. You shared that information this morning on X, the post about the judicial ruling in Europe, which says that they do think they have the right to do that.

We keep seeing this similarly in Australia where you see these authorities who think that they should be able to censor the entire global internet of disfavored information.

So, it is very disturbing, and like I said, it really makes you question our alliance with Europe.

Mr. MOSKOWITZ. Mr. Chair, I have an unanimous consent motion.

Chair JORDAN. The gentleman is recognized.

Mr. MOSKOWITZ. I asked to introduce by unanimous consent, a letter from seven Members of Congress, including myself, to Inspector General Michael Horowitz of the DOJ, asking him to investigate egregious conflicts of interest of acting Deputy Attorney General Emil Bove, and acting United States Attorney for the District of Columbia, Ed Martin.

Chairman JORDAN. You are asking interim to a record, a letter you sent to who?

Mr. MOSKOWITZ. To the Department of Justice Inspector General Michael Horowitz, one of the very few who was not fired.

Chair JORDAN. Without objection. All right, that is fine.

The gentleman from North Carolina is recognized for five minutes.

Mr. KNOTT. Thank you, Mr. Chair. To the Committees who have been here for a marathon hearing, there has been a lot of talk about how many of these we have had. This is my first one.

I have been very appreciative about what I have heard from the role that each of you have played in uncovering what is a truly horrific episode of censorship. I saw it as a private citizen.

Unfortunately, I was not here to help uncover and to fight back against the censorship over the last 3–5 years. Nonetheless, I am deeply grateful to this Committee and to all of you for your past and continued efforts to protect the First Amendment.

I must say that I am somewhat astounded that there has not been one colleague on the other side of the aisle that has brought themselves to acknowledge, much less criticize, the very obvious and blatant efforts of the Biden Administration to suppress information in a very, very problematic anti-First Amendment and, I would argue, illegal way.

Part of this has been admitted by those who were censored. It has been admitted by those who are in the private industry who were bullied into removing content. I want to talk more about what is going on right now.

Mr. Shellenberger, I want to start with you. You mentioned that you are still within the crosshairs of the censorship industrial complex, and it is a wide variety of actors, agency contractors, private companies, even universities and so forth.

What is the end goal of this censorship that we are seeing, not just here in the United States, but also in places like Brazil, where you are being investigated?

Mr. SHELLENBERGER. Yes, thank you. Well, yes, thank you for asking that question. It is interesting to hear a lot of concerns about who gets to be in the limited space in the defense department.

By the way, *Huffington Post* is a Left-wing magazine I got in, and Rupa works for a centrist magazine that is in there. It is just not a censorship issue or changing the website, that is pretty ridiculous.

I am actually in an under criminal investigation in Brazil for expressing true facts on X. That is actually happening right now.

Similarly, we see in Europe very serious penalties for people that supposedly commit the act of misinformation. Then, in Canada, there is actually life imprisonment as a potential punishment for misinformation.

Mr. KNOTT. What is the end of these laws and these efforts? Is it total political power? Is it just the easy eradication of dissent? What is the goal?

Mr. SHELLENBERGER. Total information control is definitely the goal. They want to control the information and also shape how people understand it. That is why they talk about narrative control.

Then, the other part of it is, they want to scare people. They just want people to be afraid to say things online.

Mr. KNOTT. So, that they can remain in power.

Mr. SHELLENBERGER. Absolutely. You see some of it just in the vanity of politicians demanding that posts about themselves be taken down. Obviously, that is important for their political careers.

That is why in Brazil, they have actually banned whole politicians from being online.

Mr. KNOTT. In your estimation, we have obviously heard about information that has been taken down and forcefully removed. The

narrative control also, it brings to mind narratives that are written and pushed into the public sphere.

One thing that is of concern to me is whether it was the Russian collusion narrative, the Russian dossier, the Biden laptop scandal, trying to discredit what seemed to be a very obvious verified piece of evidence.

Questioning Biden's role in enriching himself, that was made out of bounds. Questions about the vaccine, we all are familiar with those. The vaccine's effectiveness, the effect of the vaccine.

Looking at the news media, is there a part of this that, or I would submit to you, where the narrative is pushed into various outlets to further the censors' objectives?

Mr. SHELLENBERGER. Well, yes. You see it right now, right? Everybody is saying "Constitutional crisis." If you just Google that, it is like, all over. Everybody repeats themselves in the mainstream news media.

We are in a new world now. We have more platforms that are open. It is much harder to get away with lying as *The New York Times* did last night when it claimed that there was no evidence of fraud for Musk.

Mr. KNOTT. Yes.

Mr. SHELLENBERGER. So, I do think it is a new environment. That is why you have to keep the government from putting pressure on these social media platforms, so they can continue to let the conversation.

Mr. KNOTT. Just very briefly, is what is happening now with Elon Musk, who is highlighting the waste, fraud, and abuse of USAID and other expenditures, and what happened under the Biden-Harris Administration with their censorship efforts, are those two aligned?

Are they in any way synonymous with one another?

Mr. SHELLENBERGER. Well, yes. In terms of things not changing when we were here two years ago, Elon Musk was the big devil because he was allowing free speech to proliferate on what was then Twitter.

You hear it today. People get, we heard a lot of people get up today and talk about how they support free speech, but we have to stop all the racism and hate online.

Well, that is a call for censorship. Let's just be perfectly clear. If you are calling for censorship of hatred and racism or anti-semitism online, you are calling for censorship.

That is completely anathema to the American tradition, to our Supreme Court rulings to *Brandenburg* and its reinforcement in *Skokie*.

So, we have had a lot of technological revolutions with different media sources. We had the, since 1776 and 1789, telegraph, we had radio, we had television, and now we have the internet.

Somehow, we have managed to keep our tradition of freedom of speech and the First Amendment alive, despite those technological revolutions. After which, every single time, somebody was saying that, oh, everything has changed, and we have to now amend or qualify the First Amendment.

Mr. KNOTT. May I close, there is one question to you, sir. How is AI going to make it easier or more difficult to apply censorship for political gain?

Mr. SHELLENBERGER. That is for Matt, right?

Mr. KNOTT. Either or, yes.

Mr. TAIBBI. AI would allow these companies to detect narratives and enforce all these strictures with much greater speed than we saw in the Twitter files.

The process that they are going through with the DSA, which right now requires huge armies of people, or what they call trusted flaggers, to go through information personally. They can do that with AI, with almost no investment at all.

That is the terrifying part.

Mr. KNOTT. Thank you. I yield back.

Chair JORDAN. The gentleman yields back.

I would ask unanimous consent to enter into the record, maybe the first time I have ever entered into the record *The New York Times* article, but this is from two years ago. It is, "EU Law Sets the Stage for a Clash Over Misinformation."

I just want to read one paragraph into the record here too. The law of the Digital Services Act, which Mr. Taibbi just referenced, is intended to force social media giants to adopt new policies and practice to address accusations that they routinely host, and through their algorithms popularized corrosive content.

If the measure is successful, as officials and experts hope, its effects could extend far beyond Europe, changing company policies in the United States and elsewhere.

That is where they get the leverage and pressure on the companies to censor Americans in Europe. They don't have it in Brazil, but Mr. Shellenberger has felt it firsthand in Brazil. That is why we are focused on this issue.

The gentlelady, Ms. Crockett, is recognized for five minutes.

Ms. CROCKETT. Thank you, Mr. Chair. Just in case I go over, I just wanted to note that the previous speaker went over by a minute.

We have heard a lot about the fact that Democrats have been talking about Elon Musk. Let me give you a news alert, we are not going to stop talking about him. We are going to keep talking about him until he is out of here.

Now, if he wants to be elected or appointed and confirmed to something, then so be it. As of right now, we have somebody that for whatever reason, I don't know if you all just trying to play in our face because you think we are stupid, or if you literally just cannot see the difference in a George Soros and a Bill Gates.

Let me give you a little bit of the difference. First George Soros, nor Bill Gates never somehow decided to turn off the spigot of money that was going through to various organizations and agencies, to the extent that it had actually been ordered by law that they should have access to it.

To the extent that people are dying. There are people that have died as a result of this antic. There are now farmers that are screaming that they may lose their family farms because we have over \$500 million worth of food that is sitting and not going anywhere because of the attempt to shut down USAID.

So, let me tell you, that is the big difference between the two of them. Let me also tell you, that a big difference between Democrats and Republicans is that we don't just say we believe in the Constitution, but we walk it like we talk it.

What does that mean? That means that if we believe in the Constitution, we don't just pick out the Second Amendment and say that it is limitless. Nor do we pick out the First Amendment and say that it is limitless.

The thing about the Constitution is that it has always been a balancing test. There are limits to this. Right now what we continue to hear from a certain side of the aisle is that there are no limits to this lawlessness.

In fact, there are limits. I can tell you that one of those limits typically is around hate crimes. You may or may not know that when it comes down to it, if somebody decides that they want to send something hateful in the U.S. mail, they can actually go to prison for that, up to five years in prison.

So, yes, there are always going to be limits. So, when we start to talk about Trump and him being pulled down on any platform, this just happened to be after he incited an insurrection.

This just happened to be after in a bipartisan way this particular chamber decided that they were going to impeach him. So, there was something a little different about what he did, because as we know, it led to people actually dying.

Let's talk about who is doing the nefarious things with the tech giants, because I don't think that one side of the aisle is promoting truth. Sometimes it may seem a little treasonous.

All right, so, we have this article right here about this guy. Meta says it will end its fact checking program on social media posts. I will talk about that a little bit later.

Then, we have, *Washington Post* says it will not endorse a candidate for President. We also know that actually they absolutely intended to endorse Kamala Harris.

We have this one, Google Maps now show Gulf of America instead of Gulf of Mexico for app users in the United States, which is a complete farce, because it is the Gulf of Mexico, it always has been.

We know that the AP got kicked out yesterday because they refused to buy into this lie. Because that is all you really want to promote is lies. That is the big issue that we have.

Elon Musk boosted false USAID conspiracy theories to shut down global aid. Now, while he was boosting those lies about USAID, and he was stopping money going for say things such as Head Start, somehow the only money that didn't stop with the money to him and his organization.

Now, I don't know how you can have him be the watchdog as well as the guy that is literally living off the government. If we want to talk about government welfare, it looks like Elon Musk, because it is my understanding that just yesterday, a new contract was approved for approximately \$300 million for Elon Musk.

So, listen, I just want you all to be honest. You want to sit here, you want to lie, because so often we hear, well, you know, yes, we did lie. In fact, he admitted that he lied when he was in the Oval Office yesterday.



If it is a lie that will get you into office, such as saying, I know nothing about Project 2025, yet on day one, you literally do everything that you can to implement it, including making sure that you put, say, one of the main architects of Project 2025 over the OMB, it is OK so long as you get the power that you seek.

The problem is that the game is going to be on the American people. When I say the American people, I mean all of us. Unfortunately, I am also stuck in the Twilight Zone because of the lies that were allowed to be propagated.

Just like when you are talking about vaccines and all this nonsense, right now in my State of Texas, there is an outbreak of measles. What they are finding is that because there has been so much disinformation about vaccines that kids are sick right now with measles that they did not have to have, if they just trusted doctors and experts instead of randoms online.

So, I will end by saying this, Mr. Chair, because I know we believe in Jesus in this chamber. In John 8:32, it says, "the truth shall set you free." So, maybe we should focus on a little bit of truth in this chamber.

I will yield.

Chair JORDAN. The gentlelady yields. The gentleman from Wisconsin is recognized.

Mr. GROTHMAN. Thank you very much. I would like to thank the Chair for having this hearing. It might be the most important hearing we have this session.

It is sad that we have had some of the Members on the other side of the aisle talk about how this is a minor matter and we should spend more time talking about bird flu. In any event, thank you for having the hearing.

The public should again and again hear about the danger to the First Amendment that is going on. I know when it comes to election season, they poll stuff and they do insist spend more time talking about the price of eggs than somebody trying to take away the First Amendment.

Let's go, let's talk a little bit about some other countries. So, we see where we may be headed. Mr. Shellenberger, could you elaborate a little bit more about what is going on in Brazil and how it affects this country?

Mr. SHELLENBERGER. Sure. Brazil is, there is a lot of lessons that are important from Brazil. The first is that it makes you appreciate the First Amendment and that it was written in such an unqualified way.

You may know Alexander Hamilton didn't think we needed a First Amendment because it was redundant. We did it anyway because the people that created this country really believed in it.

In Brazil, the Constitution does not provide that level of protection. There are too many qualifications. What you are hearing from this side of the aisle today is that, oh, we have got to qualify the First Amendment in all these ways.

The Supreme Court has made it very clear what those qualifications are. So, you have got a Constitution that allows for the Supreme Court to engage in just ridiculous levels of censorship.

They have now banned some politicians from every single social media platform. They have also sought to have frozen people's bank

accounts for things that they have done that would have been considered a First Amendment right in the United States.

As you see, they have targeted foreigners, like myself, for publishing inconvenient information. So, yes, Brazil is a warning for us about what can go wrong if you stop believing in the essential importance of free speech.

Mr. GROTHMAN. By the way, commenting on the last questioner, is hateful speech free speech?

Mr. SHELLENBERGER. No, absolutely not. That was inaccurate. You can say hateful things. You can mail hateful things. What the Congressperson was referring to, is that it is illegal to threaten people, as it should be. Just like the line, it is *Brandenburg* and *Skokie* is the immediate incitement to violence.

I agree with those Supreme Court rulings. You should not be allowed to physically threaten somebody. Just like the Nazis, if they, in *Skokie*, if they had said, OK, let's all go burn that house down, that would have been illegal, that form of speech.

That is pretty clear where the line is. Most high school students, junior high school students could understand where the distinction is.

Mr. GROTHMAN. Well, they take that. It is not against the law of hate.

Mr. SHELLENBERGER. Of course. How could it be? It is everybody has hatred in their heart.

Mr. GROTHMAN. OK. Ms. Subramanya, could you elaborate on what is going on in Canada? Most of our lifetime, we think of Canada as almost being a cleaner version of the United States.

So, we can maybe learn some lessons as to what could happen here from what has happened in Canada.

Ms. SUBRAMANYA. Well, what is happening in Canada right now is that there is a political crisis. That is the only reason why some of these very pernicious pieces of legislation are just they have been, parliament is suspended. So, they have died as a result.

There is nothing to stop a next government, a liberal government, from bringing them back to life. What this suggests to me is it is indicative of—

Mr. GROTHMAN. Can you just give us some examples of things you can't do in Canada today that we would be shocked if it happened here? That they are trying to do.

Ms. SUBRAMANYA. For example, I can give you the example of the truckers' protest in 2022, where peaceful protest was shut down by the Prime Minister, by the government, by invoking the Emergencies Act. Protesters were driven out of the city.

They could not protest government overreach. It was government overreach that ultimately got them out. To make matters worse, many of these people had their bank accounts frozen.

This Chinese social credit system had finally come to Canada. It was finally in the West. That has already happened.

Since then, there have been a series of attempts to pass through legislation for, as I mentioned in my remarks, if you are praising fossil fuels, for example, a private Member's bill suggested that people should go to prison for that.

I mean, it is extraordinary.

Mr. GROTHMAN. Right. We have to be on the ball here in future elections, so that when politicians go down that route, they are done. We will find another Democrat; we will find another Republican.

Somebody who lives down that path is just perceived to be beyond the pale.

Ms. SUBRAMANYA. Yes. No, I will tell you why this is important. It is going back, it goes back to that question from the Congressman, why are we having these hearings?

You need to have more of these hearings. There is a stunning statistic from 2023, from the PEW Survey, 39 percent of Americans in 2018 supported restrictions on false information, what they think is false information or violent content online. That number has gone up to 55 percent. That is extraordinary.

So, these hearings are crucial to letting people know why it is vital to have, to protect free speech and to defend the First Amendment.

Mr. GROTHMAN. To go over, in general, some of the things that were done by the last administration. Thank you.

Chair JORDAN. The gentleman yields back. The gentleman from Missouri is recognized.

I am sorry, Jamie Raskin has a UC.

Mr. RASKIN. Thank you for your indulgence, Mr. Chair. Three quick UC requests: (1) from the *New Republic*, February 16, 2024, entitled, "Twitter Files' Matt Taibbi Says Elon Musk Sent Him Unhinged Messages." (2) *Just Security*, February 6, 2025, "Connecting the Dots, Donald Trump's Tightening Grip on Press Freedom." (3) On February 11, 2025, *CNN*, "Musk Touts DOGE Transparency, But Downplays His Conflicts of Interest."

Chair JORDAN. Without objection. The gentleman from Missouri.

Mr. ONDER. Thank you, Mr. Chair. Well, Mr. Chair, some of our Democrat colleagues have said that this hearing is a waste of time. That this hearing is a dumb hearing.

Ronald Reagan said, "Our freedoms are never more than one generation away from extinction." I cannot think of a more important topic for a hearing than this one right here to defend our First Amendment.

Mr. Shellenberger, I was very glad to hear you mention that it used to be that the Left and Right were in agreement on the topic of free speech. I am not quite old enough to remember, but in the sixties, seventies, the campus radicals called their movement the Free Speech Movement.

Boy, the radical Left does not seem to believe in free speech today. The free speech, the censorship that we have seen over the last few years, by in large, it has been censorship of true information.

For all the words about here from the Surgeon General confronting health misinformation, and also from the Surgeon General, a community toolkit for addressing health misinformation. What was this misinformation?

The origin of the virus as a lab leak, the inefficacy of the vaccine, natural immunity. Complications of the vaccine like myocarditis, but not limited to myocarditis.

The extraordinarily low morbidity and mortality of young, healthy people, especially children, from the COVID vaccine, and therefore, really the lack of need to vaccinate those kids. The lack of efficacy for masks.

It was by in large true, but it was censored aggressively. The two of you, of course, exposed that in the Twitter files.

In fact, as Mark Zuckerberg told Joe Rogan what Elon Musk did with the Twitter files, Jim Jordan and the House Judiciary Committee did for the rest of our industry.

Mr. Taibbi, you are an expert on the topic of censorship. A Democrat earlier asked you the question, is banning books censorship? You said yes. I of course, would agree.

Are you aware of the Trump Administration trying to ban any books?

Mr. TAIBBI. No, not particularly. No.

Mr. ONDER. Yes. Sometimes we have to make distinctions here. Would you consider, in your opinion, is keeping pornography and other sexually explicit material away from children, is that censorship?

Mr. TAIBBI. That is a completely different section of the law as far as I understand.

Mr. ONDER. Yes. I would think so. In your opinion, is a Presidential Administration cutting funding to rogue programs to promote transgender ideology when Congress never expressed that intent, is that censorship?

Mr. TAIBBI. No. I don't consider that censorship. It may be controversial, but it is not—

Mr. ONDER. It is controversial indeed. I don't view that as censorship. Again, we see that this idea of misinformation not only is it censoring misinformation, not only is it contrary to the First Amendment, but my background is I am a medical doctor.

In fact, the name of my specialty is Allergy and Clinical Immunology. I am an Immunologist. So, to me, and we learned in first year of medical school that the purpose of a vaccine is to mimic a natural infection without getting the patient sick or killing the patient. Therefore, inducing the immune response.

So, natural immunity made sense to me. Marty Makary testified about censorship during the COVID pandemic that over 200 studies have shown natural immunity is at least as effective as vaccinated immunity. One of those 200 studies was his study.

Big tech censored that as well as a lot of these other studies. That is why when I heard Dr. Fauci talk about the science, the whole point of science is that you don't label things misinformation, because science isn't a thing.

Science isn't like the Bible, the Quran, or the Talmud. Science is a process. You make observations. You design and experiment based on those observations. You test that hypothesis, and then you repeat the process.

So, to me, it is unscientific. It is against the First Amendment and a violation of all our core principles to censor.

Thanks to you three for what you have done to defend the First Amendment and really defend the most essential of our rights.

Mr. TAIBBI. Thank you.

Mr. ONDER. Thank you.

Chair JORDAN. The gentleman yields back. The gentleman from North Carolina is recognized.

Mr. HARRIS. Thank you, Mr. Chair. I want to say to all of you on the panel, thank you for your patience and your perseverance.

I was speaking at a program one time and a gentleman next to me looked at me and asked me if I was staying until the bitter end. I said, "son, I am the bitter end." I feel like I am in that role today, Mr. Chair.

Chair JORDAN. You are. You are.

Mr. HARRIS. So, but anyway, let me say this, on July 19, 2021, following directives from the Biden White House to suppress so-called misinformation about vaccines, YouTube removed a video by Family Research Council's Tony Perkins, that featured him interviewing Mary Holland, who was serving as the General Counsel of Children's Health Defense.

Because the topic included the mention of the COVID-19 vaccination program, YouTube claimed that the news segment contained "medical misinformation." However, the whole topic of the interview was the lawsuit that Holland was bringing against the Washington, DC, City Council, regarding parental consent.

Initially, the appeals to restore the video were absolutely denied. Ultimately, the video was restored, but it was three days after FRC brought it to the attention of the press.

I want to just pose the question to you, Mr. Taibbi, at least the Family Research Council had a platform to fight back against this censorship. During your investigative reporting for the Twitter files, were you seeing a lot of examples of just ordinary Americans being censored?

Mr. TAIBBI. Mr. Congressman, yes, absolutely. That is the big difference with this system and the old system, which was litigation based, and you had a chance to present your case to a judge or a jury.

You mentioned the Family Research Council or Children's Health Defense, amusingly, Joe Biden himself was censored because he talked so much about vaccines that Facebook's algorithm pushed him down accidentally, which triggered a response from the White House.

Of course, they can do something about it. They could get on the phone and talk to Facebook and complain about it. The ordinary person just can't do that. They just wake up one morning and they find they are off the internet in some cases.

The first cases that I looked at were basically mom and pop small media businesses. There was a site called *Reverb Press*, that was just a down the line Democratic site. It just woke up one morning and was gone, it was off the internet. They have no recourse.

That is the problem with the system. There is just for wealthy people, for famous people, they can maybe do something about it, but nobody else can.

Mr. HARRIS. So, absent legislation like the First Amendment Accountability Act, what recourse is there for Americans?

Mr. TAIBBI. You can try to find somebody who knows somebody, who knows somebody, who maybe knows an executive. That is basically it.

Mr. HARRIS. That is basically it. Well, thank you. Well, Mr. Shellenberger, let me ask you, when Mr. Musk purchased Twitter, which is now X, he implemented the concept of community notes as an alternative to traditional fact checking.

On January 7, 2025, Mark Zuckerberg announced that Meta would, among other policy changes, implement an X-inspired community notes model for its platform. I know you have expressed support for this policy change.

Can you just take a few moments in the time I have left, to explain why the community note system is preferable to traditional fact checking methods in terms of facilitating free and open dialog online?

Mr. SHELLENBERGER. Community notes is in the spirit of the First Amendment, which is that truth is not something, that truth is something that emerges through disagreement and dialog, including through false information, we get at what the true information is.

So, community notes are consistent with that. It doesn't allow small groups of experts, who think they are experts, to decide what the truth is in advance and then apply it to the world.

You don't really need community notes. You can have somebody who can reply to an X post and say, this is wrong for these reasons, and it can go viral.

If you are going to have some kind of fact checking, community notes is obviously the superior model. In fact, the studies that have been done show that it does tend to be a fairly reliable way to get to what is the right, to get to the truth.

Mr. HARRIS. Excellent. Well, thank you very much. Again, thanks to all of you on the panel.

Mr. Chair, I yield back my time.

Chair JORDAN. The gentleman yields back. We are almost there. The Chair now recognizes the Ranking Member for some closing remarks and then I will close.

Mr. RASKIN. Mr. Chair, thank you for a fascinating hearing, and all our colleagues and the witnesses for hanging with us.

I taught Constitutional Law and the First Amendment for 25 years, Mr. Chair, and I used to tell my students that the First Amendment is like an apple, and everybody wants to take one bite out of the apple. If somebody doesn't like Left-wing speech, take a bite.

If somebody doesn't like a Right-wing speech, take a bite. If somebody doesn't like DEI speech, take a bite. If somebody doesn't like gender ideology speech, take a bite.

Everybody takes just one bite out of the apple and at the end of it, you know what is left? Nothing. The apple is gone. It has been gobbled away. Which means that we have got a responsibility to defend free speech in its entirety.

Now, the hearing we have had today has been fascinating in a lot of ways. I do think that it ran roughshod over some basic Constitutional distinctions that we do talk about in the First Amendment, like whether we are in a public forum or a nonpublic forum, a limited public forum, a private space, and all that somewhat got stampeded in the political theatrics at different points.

One thing that struck me was the fundamental agnosticism. I hear from a lot of my colleagues about whether something called the truth even exists anymore.

We are the products of an enlightenment Constitution by people who really believed in the idea of facts and empirical investigation. In fact, our entire judicial system is based on that idea. When people go and testify in court, they swear to tell the truth, the whole truth, and nothing but the truth.

Then, we have whole standards of evidence that are organized around whether or not the case has been made in criminal court. Have you been able to prove the facts so intensely that it is beyond any reasonable doubt, or in civil court, by a preponderance of the evidence.

So, our judicial system is based on the idea that there is the truth. If you think about it, Mr. Chair, our democratic system is based on the idea that there is the truth.

I heard people today and in other contexts saying, well, no, we don't want to take down Russian disinformation on social media sites telling people to go and vote on Wednesday, November 9th, if the election is Tuesday, November 8th. That is a violation of free speech as opposed to just a lie and a fraud perpetrated on the public.

Think about it, we don't have democracy if we don't have a concept of truth and the facts. Because at the end of the day, Donald Trump might not like it, but there is an election and somebody wins, and somebody loses.

He couldn't handle the fact that he lost in 2020, for whatever reasons, financial, ideological, psychological, emotional, I don't know. He lost by more than seven million votes, 306–232 in the election.

The vexed politics and the divided polarized culture of our time all had to do with his inability to accept that. Then, his inciting a violent mob to come and attack our police officers, wound them, hospitalize them, and tear the country apart.

The reality is, at the end of every election, we decide the fact of who won and who lost. The inability to accept facts and the idea that there are truths, is a very dangerous thing for American democracy or any other democracy.

I will just say finally, Mr. Chair, there is an attack going on the media. I am sorry that some of my colleagues didn't deal with the fact that yes, President Trump has started to ban this media entity, to punish these various newspaper groups, to bring lawsuits for tens of millions of dollars on totally bogus, fraudulent defamation charges. Then, forcing those media entities to settle with him as a form of financial and political tribute to the State.

What is this? Castro's Cuba? North Korea? Come on. Could we get together on a bipartisan basis to reject that? Do we really have to be so stuck in our partisan encampments that we can't see that as a shakedown by the State against the people?

So, let's stand up for real. If we could in this Congress, Mr. Chair, for the freedom of speech, for the freedom of press, for the Right to petition government for a redress of grievances, for the freedom of assembly, for the free exercise of a religion, and for no establishment of religion. Let's at least converge around that.

I thank you for your indulgence and I yield back to you.

Chair JORDAN. The gentleman yields back. I would just say, first, thank you all for being here too.

Just in response briefly, I am all for getting the facts and the truth, and the way you get there is robust debate. It is the First Amendment.

Ms. Crockett quoted scripture. There is a great scripture, it is in Proverbs, it says, "The first to present his case seems right until another comes along and questions him." It is called the principle of cross-examination.

That is basically the First Amendment. One person says one thing, another person says something else, and we can figure out the truth and the facts. If you are just getting one side and again, from left or right in a political context, that is the problem.

I am for the full apple, to use your metaphor. What I know is, I don't know Mr. Aaron's background, but I know these three people for defending the full apple, to use your metaphor again, they have been harassed for doing it.

Mr. Taibbi had the IRS knock on his door, for goodness sake. He had a Democrat Member of Congress threaten to refer him to the Justice Department for prosecution, for goodness sake.

Mr. Shellenberger is a wanted man in Brazil for standing up for the truth, for the facts. In fact, I am going to ask a question here.

Ms. Subramanya, I know what you did during the trucker blockade. I know how you have testified, I know my guess, I don't know specifically. My guess is you have been harassed and targeted as well for your defense of the truth and the full apple to stick with Mr. Raskin's.

Ms. SUBRAMANYA. Absolutely. A few months after I wrote my story for the *Free Press* on the truckers protest, in June 2022, I found myself in a study on a list of people, on a list of people where the author, a professor at a university in Calgary, which is a city in the Province of Alberta, a federally funded study, basically was accusing me of spreading Russian disinformation.

That is extraordinary. I was featured on this list with Tulsi Gabbard and a bunch of others.

Chair JORDAN. Yes. We know that whole spiel.

Ms. SUBRAMANYA. Yes. So, when I saw my name on this list, I was absolutely horrified, because that is the chilling effect of it.

Chair JORDAN. So, here are three individuals, three individuals who value the First Amendment and the truth so much that they are willing to face the attacks that they have faced. Value the freedom of the press, the freedom of speech, and the rights we enjoy as Americans.

I want to thank you all for being here, you included Mr. Aaron. I especially want to thank you three.

Ms. SUBRAMANYA. Thank you.

Chair JORDAN. Because it has been for, I know over the last several years what you have had to endure and your willingness to come back again. We are going to have you back again at some point, because I don't think nine hearings is enough on the First Amendment.



As Mr. Grothman said, “We should do this every single week.” Because, if you lose the First Amendment, you lose the right to debate, everything else falls apart. It is just the way it works.

So, again, thank you all for being here today. The Committee is adjourned.

[Whereupon, at 2:50 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Committee on the Judiciary can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117881>.

