

## Spotlight Hearing on Trump's Anti-Free Speech Agenda

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I am honored to be here today on this panel representing the millions of Americans who did not go to law school.

So what am I doing here?

I am a comedy writer, I wrote for Jimmy Kimmel Live for eight years, and I am an author who recently got back from a national tour for my picture book series, Buffalo Fluffalo. So the fact that I am sitting here in a navy blue business suit in the capitol building at a hearing about the First Amendment means something has gone very, very wrong.

I gotta say. I didn't see this coming. I thought we were entering a new golden age of free speech. On January 20<sup>th</sup>, 2025 President Trump, on his very first day in office for the second time, announced a Presidential Action called **“RESTORING FREEDOM OF SPEECH AND ENDING FEDERAL CENSORSHIP.”**

**Which was a big relief...Because I had some concerns about how he felt about speech he didn't much like.**

My first brush with this President happened in 2017. At the time, I was doing a recurring bit on Twitter, before it was owned by America's richest man and most enthusiastic sperm donor Elon Musk.

Every time the president free associated his feelings in all caps, I would reply as his concerned and reassuring mom. “Sweetie. You're clearly having a lot of big thoughts all at once but you need to do your 5 deep breaths.” It was all fun and games until, one night, the president blocked me after I wrote a joke that hurt his feelings. I was confused at first, and thought his account had mercifully been deleted, but it turned out that the man in the Oval Office couldn't take a joke and wanted to make sure he didn't have to hear one, either. The Knight Foundation sued him to get him to unblock me and several others. The 2nd U.S. Circuit Court of Appeals in New York ended up having to rule on this, and the Supreme Court took the issue up, too. He quite literally made a federal case of a joke.

The problem here is not that jokes bother this President, it's that he is in the habit of looking for ways to silence the joke tellers.

I should tell you a little about one of my former jobs. When I wrote for Jimmy Kimmel Live from 2012 through 2020, I was responsible for pitching about everyone -- Democrats and Republicans and Kardashians.

This was never supposed to be a job where I'd have to know anything more about the founding documents than an off-color joke about John Hancock.

For late night comedy writers, the president is our best and worst audience. He is our best audience because unlike most Americans he watches late night television. He cares about what all the Network Men in Suits say about him. He is our worst audience because his inexplicably bruised skin is very, very thin.

He complained about our jokes frequently, often in real time, on his own social media site he invented so that nobody could make fun of him on it.

This went far beyond social media tirades when this year, after Stephen Colbert told jokes about the \$16 million settlement CBS paid to President Trump, *The Late Show with Stephen Colbert* was **bulldozed like it was the East Wing of the White House**. Then months later, emboldened by the Colbert precedent, the administration had *Jimmy Kimmel Live* briefly yanked off the air when the show's monologue displeased the president.

I want to be fair: The Trump administration denies responsibility for these cancellations, much as the mafia is continuously surprised that so many people end up in the East river with cement blocks on their feet. But what we can say for sure is that this president that so prized free speech and so loathed censorship was positively giddy on truth social about the literal cancellation of these comedians.

He was so excited he misspelled the word "canceled." The president wrote:

Great News for America: The ratings challenged Jimmy Kimmel

Show is CANCELLED. Congratulations to ABC for finally having the courage to do what had to be done. Kimmel has ZERO talent, and worse ratings than even Colbert, if that's possible. That leaves Jimmy and Seth, two total losers, on Fake News NBC. Their ratings are also horrible. Do it NBC!!! President DJT

Then he got back to authorizing strikes against ISIS in Syria.

To kill a late night show doesn't just kill an enormous platform for speaking truth to power. Because late night comedy doesn't just speak truth to power, it speaks truth to an incredibly large number of people.

I believe late night hosts like Colbert and Kimmel are vital satirists who shape how millions of Americans absorb the day's news. At 11:30 every weeknight, about 2 and a half million people all over the country – just before their Melatonin gummies hit -- listen to what these comedians have to say about what happened in America that day. And under this administration, they are powerful voices of dissent. Network late night hosts like Colbert and Kimmel have used that huge platform to make tangible, incremental ideological change through satire in the hope that maybe someone who stayed up after the evening news on ABC or CBS will hear the news reflected back at them through a lens that is openly critical of the government. And that can shape the electorate's opinion.

And let's be clear: They're also for doing man-on-the street interviews about The Bachelorette.

But these permanent and temporary cancellations aren't just about controlling jokes, they're about controlling criticism of this administration and its corporate bedfellows. **It is the state using its power to shape what is profitable to say. And we've learned nothing if not this: the bottom line comes first – even before the first amendment.**

I have little doubt CBS was in part compelled to end Colbert's show to avoid regulatory retaliation by the administration after CBS's parent company Paramount merged with Skydance, which I believe is a trust fund for one of the Ellison kids.

And there is no doubt that this September's retribution against Jimmy Kimmel Live was due entirely to the host's criticism of our current president, despite the FCC's contention that it was for misinformation and "sick" jokes, which really just grabs me by the – I'm not going to say that word in congressional testimony.

There is no doubt that the president is so personally bothered by what comedians say, that the FCC is willing to disappear any mouthpieces that might hurt his feelings in a shocking, according to people with many more degrees than I, unconstitutional way.

And here's how that trickles down. The censorship of free speech we have witnessed from the highest office in the federal government has emboldened Americans in sacred positions of power from the state to the local, to the school board level, which is where I found myself just weeks after Kimmel's suspension.

Talking about my brush with censorship this year might affect my livelihood as a children's book author, and I have not spoken publicly about this experience until right now.

But, I have always said if something is worth talking about with your closest friends and family and therapist, it's worth talking about with the ranking members of the House Judiciary Committee.

The best part of being a children's book author is to actually read my books to children. And to see them react, and laugh, and scrunch up their noses in delight, and to get the kind of uncensored feedback and questions that no comedy writers room could possibly contrive. (I was once asked if I thought a kid would win in a race with a buffalo) Two years ago when the first book came out I was sent basically up and down the Amtrak Northeast Regional Corridor, but this year, after the books were a hit, the publisher decided to put me on airplanes to bring Buffalo Fluffalo and Puffalo to the **country**. This fall, through partnerships between school districts and my publisher, I read to thousands and thousands of elementary school kids in small towns and suburbs in Kansas, Missouri, Texas and Montana.

In Montana the tour hit a snag. The morning of a scheduled school visit in a rural community in a Title One school, the wonderful school librarian emailed me and my publisher. A group of parents, who had previously caused a stir at a school board meeting where they successfully campaigned to ban certain books from the library, decided to ban me. They emailed the school superintendent en masse with jokes I had written in my life as a political comedy writer, and told the superintendent that if I came to read my book about prairie animals and their feelings to their kids, they would show up and make a scene in front of the children.

The visit was canceled. I should say, the kids they were threatening to do this to were around the same ages as my own, who are four and six, and watching this, and I love. These kids, who had never had an author visit and had been reading the book with their teachers and making art projects about a buffalo, and preparing thoughtful questions for me, would have showed up for a traumatic event where some parents barged into their library and screamed at the lady in the dress holding up the picture book doing a buffalo voice.

It isn't some great national tragedy that a story time was cancelled. But it's a harrowing indication of how a joke can be wielded against its writer by exactly the same movement that railed against cancel culture to defend jokes that punched down.

On that day in Montana, I was sad for the kids and the teachers, but I was mostly sad for the librarian, who has to contend with these parents who claimed to be for "liberty," but were in the organized business of infringing upon exactly that.

School librarians in red and blue and purple states whom I have the genuine pleasure of meeting throughout my book tours are at the front lines of these school board fights over book bans with increasing regularity. They are tired. They are pissed. And they just want to be able to give a kid a book they're excited to read, even if the character in the book has two moms, which is as of this testimony a legal amount of moms to have.

Because here's the thing about those kids across America that I have met.

From deeply under-funded title one schools where most students were on free lunch, to immigrant communities where many of the kids are the first people in their families to learn to read and speak English, to fancy schools in oil money subdivisions where I was offered a choice of flat or sparkling water, I will tell you this: The kids were the same. The kids were the same.

When I read my books in auditoriums and gyms and libraries and classrooms, some fidgeted, some daydreamed, but they all laughed and aww'd at the same parts, and when I asked if they had any questions at the end – to a school – they all asked me the same one: Why was Buffalo Fluffalo mad? Why was he mad? They also frequently told me the names of their dogs.

For the members of the United States Congress who haven't read Buffalo Fluffalo, someone who went to Kennedy School should have prepped you. The book is about a Buffalo who is at first tough and blustery and rude and pushes his friends away, and when it is revealed that underneath all his fluff, he is just this tiny, frightened guy who wants to be loved, his friends support him anyway. They love him just as he is. And he gives them gratitude and kindness right back. Call it left wing commie propaganda.

I believe that the impulse to censor speech comes from exactly this fear in the book. The fear of being seen as weak, or vulnerable. The desire to project an air of bravado and to silence and push off anyone who might pull the curtain back on the image of imperious strongman.

A true leader is only as strong as the joke he can take at his own expense. There's nothing funny about the fact that we are living through a time when jokes about the government are a liability.

In this room, surrounded by so many people who are as outraged and heartbroken by this administration's culture-shifting attack on free speech, I have hope. I am hopeful because of members of Congress in this room today. I am grateful to the members of Congress like Representative Jamie Raskin and Representative Mary Scanlon who don't just find this administration's disregard for the constitution a shame to post about on Threads, they are going to fight to stop the president from going unchecked in his vendettas against those who speak out against him. I am honored to be a small part of an investigation that proves it's illegal, and to help the House Judiciary Committee hold this administration and the corporations who aid and abet them to account.

As a comedy writer and conflict-averse coward, I believe jokes will continue to be an effective tool for speaking the truth about authoritarianism. So I take comfort in the words of my fellow author JD Vance, when he spoke last year at the Munich Security Conference, the funniest of all conferences.

**In Washington, there is a new sheriff in town. And under Donald Trump's leadership, we may disagree with your views, but we will fight to defend your right to offer them in the public square, agree or disagree.**

I'm not sure if anyone here can get the Vice President a meeting with his boss, but that lil whippersnapper from Yale has some ideas. Vance went on to the crowd in Germany.

**Now, within living memory of many of you in this room, the Cold War positioned defenders of democracy against much more tyrannical forces on this continent. And consider the side in that fight that censored dissidents, that closed churches, that canceled elections. Were they the good guys? Certainly not and thank God they lost the Cold War.**

Thank G-d, indeed. And with that, may G-d bless America again.