

REMARKS OF FCC COMMISSIONER OLIVIA TRUSTY
THE MEDIA INSTITUTE’S FREE SPEECH AMERICA GALA

FOUR SEASONS HOTEL, GEORGETOWN

**“FREE SPEECH, PUBLIC SERVICE, AND INNOVATION: THE FCC’S ROLE IN AMERICA’S
COMMUNICATIONS FUTURE”**

OCTOBER 29, 2025

Good evening, everyone. It is a true honor to join you tonight for the Media Institute’s Free Speech America Gala.

Let me begin by thanking the Media Institute for its tireless work in championing free expression and advancing thoughtful communications policy.

For decades, the Media Institute has been at the forefront of fostering meaningful dialogue about the intersection of communications, law, and policy.

At an event called the “Free Speech America Gala,” it seems fitting to begin with an issue that has been much in the news – the First Amendment and broadcasting.

At the FCC, our regulatory and oversight responsibilities span the media and communications sectors, which means that protecting the First Amendment is paramount to our policy work.

Yet, as many of you know, in the broadcasting context, the interplay between constitutional protections for speech and the requirements of the Communications Act can be uniquely complex.

Let me offer a short Commissioner Trusty Office original metaphor to help explain this complexity:

When you think about the First Amendment, imagine a cliff. You can walk right up to its precipice, look down, and see exactly where the ground gives way. The danger is obvious, but more importantly, the boundary is clear, uncompromising, and absolute. And for many types of speech protected by the First Amendment, that metaphor isn’t too far off. Speech, with the exception of incitement and defamation, among other discrete categories, is protected within the bounds of the First Amendment and attempts to silence that speech are unlawful.

But for speech in broadcasting, there isn't a cliff. Instead, imagine the proverbial frozen lake. At first as you step on it, the surface feels solid. But, as you continue to move forward, the ice groans underfoot. Cracks spread. You can't always see how thick the ice is beneath your feet, or whether it will hold if you take that next step.

That is because, under existing precedent, broadcasting is treated differently than most Americans might expect. Yes, the First Amendment still applies – both by its own terms, and as confirmed by Section 326 of the Communications Act. But in broadcasting, content-based regulation that would be unthinkable in other contexts is indeed permitted under longstanding doctrine.

Congress placed public interest obligations on broadcasters when it entrusted them with use of the public airwaves.

Federal law restricts the broadcasting of obscenity, indecency, and profanity.

Section 315 of the Communications Act imposes equal opportunity obligations on broadcasters once they grant access to one candidate for a political office.

And, of course, the FCC has a policy against news distortion, which prohibits broadcast station licensees from deliberately manipulating, slanting, or rigging the news.

These provisions, and others, are grounded in the statute and decades of precedent.

The Supreme Court has long recognized that the public interest standard is guided by the purposes of the Communications Act and the requirements it imposes.

Localism is one such purpose, reflected in Section 307's requirement for fair, efficient, and equitable distribution of service among states and communities.

Section 308 of the Act considers the character qualifications for licensees. And there are long lines of Commission precedent considering these sorts of issues in the case of broadcast licensees.

Courts, too, have historically been more willing to accept regulation of broadcasters' speech as consistent with the First Amendment.

In *Red Lion*, the Supreme Court upheld regulations designed to expand the viewpoints available to the public. In other cases, intermediate scrutiny has applied to restrictions on broadcast content. Many have predicted the Supreme Court would eventually erase this distinction. But that day has not yet come. Until it does, the Commission has an obligation to apply the law as it stands.

Even the recent Supreme Court decision in *NRA v. Vullo*, invoked in connection with broadcasting, does not map neatly onto this terrain. That case addressed a government official who sought to use state power to deter disfavored speech. The Supreme Court reaffirmed that government cannot do indirectly what it is barred from doing directly. But how that principle applies in a space where the FCC can directly regulate content under current precedent is a more difficult question.

Walking this frozen lake requires careful judgment. At what point are you still on solid ground, enforcing clear statutory requirements? At what point do the cracks appear, signaling that the ice might not hold? Navigating these questions requires a thoughtful, deliberate approach.

For me, the preferred path is clear: when the marketplace, through the choices of individual licensees, advances the public interest, that is the best outcome, for the First Amendment, the Communications Act, and our constitutional republic. Most broadcasters take their public interest obligations seriously. Our role should be to foster an environment that empowers them to do so voluntarily.

This raises a larger question: how do we create an environment where the marketplace itself produces outcomes that serve the public interest and respect the First Amendment? Not just in broadcasting, but across the communications landscape?

As an FCC Commissioner, these are the questions I ask every day, about where law, policy, and technology intersect, and how our choices affect the ways in which Americans communicate, listen, and connect.

Whether audio or video; voice or data; wired or wireless, the Commission has an important role. The ultimate goal is simple: to ensure that all Americans have access to and benefit from advanced communications.

One of the most powerful ways to achieve that goal, and to link tonight's honorees, is through innovation.

Hans Vestberg is receiving the American Horizon Award for his visionary leadership in advancing Verizon's pioneering 5G network strategy.

And Gary Shapiro is receiving the Freedom of Speech Award for his free speech advocacy, which so often highlights the role of technology in expanding expression.

Their work illustrates that innovation is not just about faster networks or smarter devices, it is about strengthening the foundations of free speech.

Innovation creates new opportunities to connect: broadband opened new doors for remote work, learning, healthcare, and entertainment.

Innovation expands reach: wireless and satellite technologies extend connectivity services to the hardest-to-reach areas.

Innovation makes for better use of scarce resources: advances like 5G network slicing and the promise of 6G enable us to stretch spectrum further.

Innovation even restores trust: authentication tools are giving consumers confidence to answer their phones in the ongoing fight against illegal robocalls.

So how do we ensure U.S. leadership in communications innovation?

First, we must maintain a regulatory environment that encourages it. That means eliminating unnecessary legal barriers, streamlining outdated rules, and modernizing permitting to support investment and deployment.

Second, we must use federal resources wisely. Spectrum must be put to its highest and best use. Universal service programs should embrace the most effective technologies to close the digital divide. And Congress and the Commission must work together to ensure these programs remain financially sustainable.

Third, we must lead on the international stage. Working with the State Department and NTIA, the FCC can help advance U.S. priorities in global forums, whether for next-generation wireless or satellite services, or emerging technologies, like artificial intelligence. A unified U.S. strategy

abroad is critical not only for economic competitiveness and national security, but for promoting values like free speech worldwide.

And, fourth, we must spotlight and celebrate innovation wherever it occurs, whether in accessibility, education, health, or new business models. The government can help set the stage, but it is the innovators, entrepreneurs, engineers, and visionaries, who perform on it.

At the FCC, we are committed to using every tool at our disposal to promote U.S. leadership in technological innovation, across broadcast, broadband, and beyond. As the President summed it up in his White House AI Action Plan, “[t]o secure our future, we must harness the full power of American innovation.”

And that brings me back to where I began tonight. Free speech and innovation are not separate stories. They are two sides of the same coin. Free expression fuels innovation, because ideas only flourish when they can be tested, debated, and challenged. And innovation safeguards free expression, because new technologies give people more ways to speak, to listen, and to be heard.

One way to cross the ice with greater confidence is to follow in the footsteps of someone who went before you.

Many of you in this room have deep experience and long-considered views on free speech and broadcasting. I welcome your insights when these questions come before the Commission. When the ice is thin, thoughtful guidance is invaluable.

Thank you again to the Media Institute for your leadership and your unwavering commitment to free speech. And congratulations to tonight’s award recipients, clear proof that innovation will continue to shape the future of communications and expression in America.