



**Senator Peter Welch
Opening Remarks as Delivered**

**Senate Judiciary Joint Subcommittee Hearing:
Subcommittee on The Constitution; Subcommittee on Federal Courts, Oversight,
Agency Action, and Federal Rights
"The Supposedly 'Least Dangerous Branch': District Judges v. Trump"
June 3, 2025**

Thank you very much. The concrete issues of universal injunction, or forum shopping are things that we can address. But there is a context that we're all operating in, and this is where I disagree with my colleagues, particularly Senator Cruz and his recitation of what he saw as a 'judicial rampage.'

This moment we're in in our country is testing whether the separation of powers, three coequal branches of government, shall endure. That's really the question. We've seen an abdication of constitutional responsibility by the Congress—it's appalling.

Ceding to a President the ability to impound funds, something that was declared unconstitutional in the Nixon Doctrine. Ceding to the President tariff authority, which in the Constitution belongs to the policymakers in Congress. Just two examples of Congress ceding its constitutional authority. That's done willingly by my colleagues in the House and some in the Senate. We should reassert our authority.

But the second leg of that—the transfer of authority to the executive—is the rampant attack on the judiciary. And Senator Cruz gave some examples of what he thought was judicial overreach. Each one of those examples, as I see it, was the judge doing their job—they disagreed. And when they disagreed it was asserted by the President and by the Attorney General that they were 'monsters,' they were 'renegades,' they were 'out of control.'

It was an ad hominem attack because judges were doing their jobs. And I will say we can deal with the forum shopping, which is something the private bar gets involved in. We can deal with universal injunctions. But the all-out assault on judges because they make decisions—which is the job it is they have to do—and the decision is: has a President exceeded his authority? The decision is: has the Congress passed a law that deviates from constitutional requirements?

Those are so profoundly important to keep that separation of powers and to keep the competition between the three branches so that we don't have absolute power vested in a single person—and that's the chief executive.

So, when Senator Cruz, you talk about a judge making this decision about keeping somebody here—it's called due process. I am for due process.

When we talk about judges striking down under the international trade agreement whether the President has authority to set these tariffs and it is a three-judge decision—one appointed by Trump, one appointed by Obama, one appointed by Reagan—and they say the President didn't have authority, I would say that is the judges doing their jobs.

But what is most profoundly important for the well-being of our country is that the Congress reassert its authority to pass laws to restrict the executive, or to empower the executive, but not to cede our authority to the executive—ever. It's our responsibility to do every single thing we can to validate the legitimate exercise of the decision-making authority of the judiciary.

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