

119TH CONGRESS
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S. RES. 486

Condemning the suggestion by President Donald J. Trump that criticism of him is “illegal,” reaffirming the fundamental importance of free speech, and declaring that criticism of the President is not only lawful but essential to democracy in the United States.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2025

Mr. MARKEY (for himself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Condemning the suggestion by President Donald J. Trump that criticism of him is “illegal,” reaffirming the fundamental importance of free speech, and declaring that criticism of the President is not only lawful but essential to democracy in the United States.

Whereas the First Amendment to the Constitution of the United States provides that “Congress shall make no law . . . abridging the freedom of speech, or of the press.”;

Whereas robust public debate and criticism of those who hold public office lie at the core of democratic governance, which includes the proposition that the right to speak, publish, and dissent is fundamental to a self-governing people;

Whereas the institution of the presidency, like all offices of government in the United States, is subject to public scrutiny, criticism, and accountability;

Whereas, on November 1, 2025, President Donald J. Trump posted on social media that commentary by comedian Seth Meyers was “100% ANTI TRUMP” and therefore “PROBABLY ILLEGAL”;

Whereas President Trump has previously attacked late-night comedians and urged the Chairman of the Federal Communications Commission to punish broadcasters that air the comedians’ political commentary by revoking their broadcast licenses;

Whereas Federal Communications Commission Chairman Brendan Carr has demonstrated a willingness to weaponize the Commission’s authority over broadcasters for political purposes, including, in September 2025, in response to a monologue delivered by comedian Jimmy Kimmel, by publicly threatening ABC and its parent company Disney, stating that “we can do this the easy way or the hard way,” in clear reference to the Commission’s regulatory power;

Whereas President Trump’s social media post and the repeated actions of the Trump administration suggest that they view criticism of President Trump as illegal and subject to regulatory punishment;

Whereas such episodes serve as a reminder that when government officials treat criticism—especially of themselves—as unlawful, they undermine the basic premise of free and open political discourse; and

Whereas the right to criticize the president is not only lawfully protected but politically essential, and the ability of

citizens, the press, and elected representatives to question, challenge, and hold the executive branch to account is foundational to the health of democracy in the United States: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns any suggestion by President Donald J. Trump or his administration that criticism of President Trump is illegal or that governmental power may lawfully be used to punish, censor, or intimidate dissenting views;

7 (2) affirms that the First Amendment to the Constitution of the United States protects the right to criticize public officials, including the President of the United States, and to engage in vigorous public debate without fear of governmental retaliation; and

12 (3) urges all officials of the Trump administration to refrain from using regulatory, licensing, investigative, or enforcement authorities to penalize or suppress speech that criticizes President Trump or the policies of his administration.

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