

119TH CONGRESS
1ST SESSION

S. RES. 407

Expressing the sense of the Senate that the comments by Federal Communications Commission Chairman Brendan Carr on Wednesday, September 17, 2025, threatening to penalize ABC and Disney for the political commentary of ABC late night host Jimmy Kimmel were dangerous and unconstitutional.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 16), 2025

Mr. MARKEY (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation

RESOLUTION

Expressing the sense of the Senate that the comments by Federal Communications Commission Chairman Brendan Carr on Wednesday, September 17, 2025, threatening to penalize ABC and Disney for the political commentary of ABC late night host Jimmy Kimmel were dangerous and unconstitutional.

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,” protections that extend to political speech and commentary, even when controversial or offensive;

Whereas the Federal Communications Commission (FCC) is charged with overseeing the public airwaves in a manner consistent with the Constitution and does not have authority to censor programming or punish broadcasters for their editorial decisions;

Whereas, on September 17, 2025, Chairman Brendan Carr publicly threatened ABC and its parent company, Disney, and its affiliates, over a monologue delivered by comedian Jimmy Kimmel, stating that “we can do this the easy way or the hard way,” in clear reference to the FCC’s regulatory power;

Whereas, following these comments, ABC’s largest affiliate group announced it would preempt Mr. Kimmel’s programming, and shortly thereafter, ABC and Disney suspended Mr. Kimmel, demonstrating the coercive effect of Chairman Carr’s unconstitutional threats and the chilling impact on free expression in broadcasting;

Whereas, in Mr. Carr’s role as chairman, Carr has repeatedly claimed in public statements and past social media posts to support the First Amendment and defend free speech, including the following statements:

(1) “This is nothing more than a brazen attempt by government officials to silence political speech they don’t like.”.

(2) “From internet memes to late-night comedians, from cartoons to the plays and poems as old as organized government itself—Political Satire circumvents traditional gatekeepers and helps hold those in power accountable. Not surprising that it’s long been targeted for censorship.”.

(3) “Free speech is not a threat to democracy—censorship is.”; and

Whereas, by using his official position to pressure private
 broadcasters over their protected commentary, Chairman
 Carr has betrayed the trust of his office, abused the
 power of his position, undermined the independence of
 the press, and violated the constitutional principles he is
 sworn to uphold: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns Chairman Brendan Carr for
 3 abusing his position as a Federal regulator to
 4 threaten Disney and ABC over constitutionally pro-
 5 tected speech;

6 (2) affirms the importance of the First Amend-
 7 ment and the independence of broadcasters and
 8 journalists from government coercion; and

9 (3) calls upon Chairman Carr to immediately
 10 retract his threats and recommit himself to respect-
 11 ing the constitutional limitations on his office.

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