

119TH CONGRESS
1ST SESSION

S. RES. 424

Affirming the unwavering commitment of the Senate to the First Amendment and to freedom of speech and of the press as foundations of the democratic republic of the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2025

Mr. MERKLEY (for himself, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. SANDERS, Mr. BOOKER, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Affirming the unwavering commitment of the Senate to the First Amendment and to freedom of speech and of the press as foundations of the democratic republic of the United States.

Whereas the First Amendment to the Constitution of the United States guarantees that Congress shall make no law abridging the freedom of speech or of the press;

Whereas the Supreme Court of the United States held in *Texas v. Johnson*, 491 U.S. 397 (1989), “If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”;

Whereas the Supreme Court has held that government restrictions on viewpoint are presumptively unconstitutional;

Whereas, in *National Rifle Association of America v. Vullo*, 602 U.S. 175 (2024), the Supreme Court unanimously held that government officials cannot “use their regulatory powers to coerce individuals or entities into refraining from protected speech”;

Whereas, in the United States, the right to free speech is not conditioned on speech aligned with the Federal Government’s views;

Whereas section 326 of the Communications Act of 1934 (47 U.S.C. 326) prohibits the Federal Communications Commission from engaging in censorship, providing that, “Nothing in this chapter shall be understood or construed to give the [Federal Communications] Commission the power of censorship . . . no regulation or condition shall be promulgated . . . which shall interfere with the right of free speech.”;

Whereas, in 2020, the Commission issued Free Press Emergency Petition for Inquiry Into Broadcast of False Information on COVID–19, Letter Order, 35 FCC Rcd. 3032, 3033 (MB & OGC 2020), in which it stated, “the Commission does not—and cannot and will not—act as a self-appointed, free-roving arbiter of truth in journalism”;

Whereas, on February 22, 2021, the Federal Communications Commission Chairman Brendan Carr stated, “A newsroom’s decision about what stories to cover and how to frame them should be beyond the reach of any government official, not targeted by them.”;

Whereas, on December 30, 2023, Chairman Carr posted on X, “Free speech is the counterweight—it is the check on government control. That is why censorship is the authoritarian’s dream.”; and

Whereas President Donald J. Trump in his inaugural address for his second term stated, “Never again will the immense power of the state be weaponized to persecute political opponents.”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) calls on the President to commit to free
3 speech, consistent with the Constitution of the
4 United States;

5 (2) reaffirms its unwavering commitment to the
6 First Amendment and to freedom of speech and of
7 the press as foundations of the democratic republic
8 of the United States;

9 (3) declares that media independence must be
10 protected and licensing, regulatory authority, or
11 other governmental powers must not be used to pun-
12 ish or intimidate media organizations for editorial
13 content;

14 (4) condemns any threats to revoke, suspend, or
15 penalize media licenses solely based on content or
16 viewpoints;

17 (5) calls on the Federal Communications Com-
18 mission Chairman, and the head of any other rel-
19 evant Federal agency, to uphold constitutionally pro-

1 tected free speech and, as aligned with the duties of
2 the agencies, affirm that they will not use licensing
3 or regulations as a tool of repression; and
4 (6) rebukes the use of political violence against
5 people exercising their protected free speech rights.

