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What Jimmy Kimmel's Suspension Says About Free Speech

President Trump's allies now argue that the freedom of speech doesn't let you say anything you want.

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Credit...Noel West for The New York Times



By [Adam B. Kushner](#)

I'm the editor of this newsletter.

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You're reading The Morning newsletter. Make sense of the day's news and ideas. Times journalists guide you through what's happening — and why it matters.

For years, conservatives have said the thought police wield too much power. They couldn't understand why apolitical organizations should have to make statements about George Floyd. They complained bitterly when the government pushed social media platforms to toss users who questioned Covid science. "We may disagree with your views," Vice President JD Vance said in February. "But we will fight to defend your right to offer it in the public square."

That was before the assassination of Charlie Kirk. In the week since, the Trump administration has punished people who criticized Kirk and proposed to criminalize hate speech. Then on Wednesday it pushed ABC to suspend the late-night host Jimmy Kimmel, who had erroneously suggested that Kirk's killer came from MAGA's ranks. Yesterday, President Trump said the government should [revoke the broadcast license](#) of networks whose on-air personalities speak too harshly about him.

Since Trump returned to office, the right's [turnabout on speech](#) has been dizzying. Today's newsletter is about Kimmel's sanction and the administration's new approach.

The suspension

Kimmel is the highest-profile person to be punished for what he said about Kirk. But he's an unlikely figure of the resistance. He got his big break on "The Man Show," which [Julia Jacobs, a culture reporter, calls](#) a "raunchy satire of machismo that often seemed to be only half-joking." On Monday his troubles began when he mused that the "MAGA gang" was "desperately trying to characterize this kid who murdered Charlie Kirk as anything other than one of them." (How does the suspect map onto America's history of political violence? Jia Lynn Yang has [a great essay today](#) on that question.)

It started as a political problem. A conservative media watchdog posted Kimmel's monologue on Tuesday morning, and it spread "[first as a whisper, then eventually as a shout](#)," reports Stuart A. Thompson, who covers the flow of information. It rocketed from influencers to radio hosts and Fox News personalities. On Wednesday, the chairman of the Federal Communications Commission — who [wrote in Project 2025](#) that the agency "should promote freedom of speech" — told a podcaster that ABC would face consequences. "We can do this the easy way or the hard way," he said.

Then it was a business decision. Advertisers were growing skittish, and ABC employees had received threats. A Texas-based owner of many ABC affiliates planned to pull Kimmel's show from his stations, [write Times reporters](#) who spoke to more than a half-dozen people involved in the saga. Kimmel drafted a monologue for Wednesday night's show to address the controversy, but when Disney and ABC leaders saw it, they worried it would make things worse. So an hour before the host was set to take the stage, they made a call: "Jimmy Kimmel Live" would

temporarily go dark. Network executives were searching yesterday for a way to get him back on TV soon.

Trump sees this as a victory. He said it was the appropriate treatment for someone who “said a horrible thing.” [Jim Rutenberg, who covers politics and media, observed](#): “Far from decrying the silencing of a comedian, Mr. Trump celebrated what he termed a ‘cancellation.’”

The politics

Comedians and pundits are horrified. David Letterman, the longtime late-night host, said yesterday that networks shouldn’t fire people just because they won’t “suck up” to Trump. (He also joked that he’d been “[smart enough to cancel myself](#).”) On his own show, Stephen Colbert called ABC’s move “blatant censorship” and declared, “[Tonight we are all Jimmy Kimmel](#).” The meaning of the suspension was clear, [writes James Poniewozik](#), The Times’s chief TV critic: “Maybe it’s just better to be cautious. Maybe don’t say anything that gives your haters an opening. Maybe don’t say anything rash. Maybe don’t say anything.”

New branding. Trump allies now argue that the freedom of speech doesn’t let you say anything you want. To them, attacking bad ideas isn’t cancel culture — it’s “[consequence culture](#).” Liberals used the phrase for years to justify ostracizing alleged sexual predators during #MeToo and alleged racists after George Floyd’s murder, reports Joseph Bernstein, who writes about online culture. This week, conservatives have taken it up. The difference now is that the government, not activists, is enforcing the consequence.

Context. The Trump administration has coerced many private institutions to bend to its will. Law firms are giving the government free legal work rather than lose contracts. A chipmaker is giving it part ownership rather than face export controls. Universities are axing diversity programs and paying hundreds of millions in fines to restore frozen research grants. Media companies are settling frivolous lawsuits with Trump to avoid the cost and the hassle.

The law

The government has used its power often during Trump’s second term to limit what people can say. Government science agencies have ended grants that mentioned “diversity.” A top Justice Department official said that people protesting the president might have committed a crime.

Advocacy. This week, the president declared that the antifa movement — an antifascist collective that tries to counter the far right, occasionally violently — is a terrorist organization. But it is [less a group than an idea](#), reports Charlie Savage, who covers national security and legal policy. And while the government can designate overseas groups as “foreign terrorist organizations,” there is no domestic equivalent in the law.

Speech. The attorney general has vowed to ban “hate speech that crosses the line into threats of violence.” Adam Liptak, who covers the law for The Times, explains what the First Amendment says:

What is hate speech? The usual definition includes racial, ethnic and religious epithets; calls for racial or religious intolerance; and false statements about racial or religious groups. Holocaust denial is the most common example.

Can the government punish it? The Supreme Court says no. The government must protect the freedom to express “the thought that we hate.”

Is America’s approach unusual? Yes. Many other countries ban racial epithets, displays of Nazi regalia and exhortations to discriminate against religious groups. All of that is allowed in the United States.

What about inciting violence? The First Amendment does not protect incitement, but the Supreme Court has defined that term narrowly, requiring a likelihood of imminent violence. Mere advocacy — of violence, terrorism or the overthrow of the government — is legal. The words must be likely to produce violence or lawlessness right away.

If hate speech is legal, why are people getting fired for things they said about Kirk? The First Amendment restricts government activities. But private employers can do what they want.

New safeguards. Democrats plan to introduce a bill to [protect people targeted by Trump](#) for speaking freely, reports Annie Karni, who covers Congress. But “there was almost no chance that Republicans would bring such a measure to the floor,” she writes.