

THE CONVERSATION

Academic rigour, journalistic flair



Donald and Melania Trump with White House press secretary Karoline Leavitt at the White House Correspondents' Association dinner. EPA/Yuri Gripas/pool

Trump uses assassination attempt to justify his assault on first amendment rights to free speech

Published: April 30, 2026 4.42pm BST

<https://theconversation.com/trump-uses-assassination-attempt-to-justify-his-assault-on-first-amendment-rights-to-free-speech-281757>

The Trump administration has called on TV network ABC to “take a stand” after a joke from its late night comedy host Jimmy Kimmel offended the US president and first lady.

Two days before the White House Correspondents' dinner on April 25, Kimmel broadcast what he said was a “roast” of the Trump administration. Roasts are typically quite savage comedic attacks which have become a traditional part of the dinner.

Trump, who was famously the target of jokes from former president, Barack Obama, at a dinner in 2011, had never attended the dinner while in office. This year he opted to attend, but the comedian's spot was taken by what was described as a “mentalist”.

So Kimmel said he decided to supply the roast on his show as an “all-American” version of the Correspondents' Dinner. In what he said was a joke about the 24-year age difference between the couple, he described Melania Trump as “having a glow like an expectant widow”. But after a would-be assassin tried to launch a murderous attack two days later at the dinner, the Trumps have demanded his sacking.

“Enough is enough. It is time for ABC to take a stand. How many times will ABC's leadership enable Kimmel's atrocious behaviour at the expense of our community,” Melania Trump wrote in a post on X.

First Lady Melania Trump  

@FLOTUS · [Follow](#)



Kimmel's hateful and violent rhetoric is intended to divide our country. His monologue about my family isn't comedy- his words are corrosive and deepens the political sickness within America.

People like Kimmel shouldn't have the opportunity to enter our homes each evening to [Show more](#)

3:19 PM · Apr 27, 2026


 **410.2K**
 **Reply**
 **Copy link**

[Read 61.2K replies](#)

But it appears that ABC, a subsidiary of Disney, is instead standing by Kimmel, who has not been taken off air, in contrast to an [episode in September 2025](#) when Kimmel was suspended after comments he made following the death of right-wing influencer Charlie Kirk, a close friend of the Trumps. After a public outcry, ABC relented and restored Kimmel's show.

In response, Brendan Carr, the head of the Federal Communications Commission (FCC) has brought forward a [review of ABC's station licences](#), which were previously not scheduled until 2028 or later. Carr's actions follow a press conference at the White House on April 26 at which press secretary Karoline Leavitt said coverage critical of Trump, including from his Democrat opponents, was responsible for the rise in political violence in the US by creating what she called a "[leftwing cult of hatred](#)".

These examples highlight the politicisation of "free speech" by the Trump administration as a cudgel to silence disfavoured viewpoints under the guise protecting the public from harm.

First amendment protection for free speech

But these political debates are becoming increasingly distanced from the first amendment. That is, the interpretation of the first amendment by the Supreme Court and the protections it provides to individuals and entities, including media outlets and broadcast companies, from government interference. The wider this gulf becomes, the greater the space between the principles underlying the expansive protections afforded to speech in the US and the public's understanding of the democratic principles that underpin these protections.

Jimmy Kimmel on Melania & Donald Trump Demanding

Jimmy Kimmel Live



Watch on

Jimmy Kimmel defends his joke about the Trumps.

This is more important than ever in the Trump era. Actions taken by the administration to target broadcast networks and individuals for political speech are precisely what the first amendment protects against. It was designed, among other things, to protect individuals, entities and the press from government interference by creating an open marketplace in which ideas compete freely.

This is particularly true for dissenting political speech, which is the core of the first amendment. This explains why government interference with speech based on “the specific motivating ideology or the opinion or perspective of the speaker” – known as “viewpoint discrimination” – is expressly prohibited.

Additionally, whether and to what extent speech is offensive is irrelevant to the protection it enjoys. When it comes to the value of public debate, the first amendment is not neutral. Indeed, as a Supreme Court judgment, Baumgartner v. United States (1944), found: “One of the prerogatives of American citizenship is the right to criticize public men and measures.” Moreover a more recent judgment, Hustler Magazine, Inc. v. Falwell (1988), found that “robust political debate” is expressly encouraged, given that such debate “is bound to produce speech that is critical of those who hold public office”.

Importantly, the Supreme Court found in New York Times Co. v. Sullivan (1964) that such criticism, inevitably, will not always be reasoned or moderate and that public figures as well as public officials will be subjected to “vehement, caustic, and sometimes unpleasantly sharp attacks”.

Read more: [New York Times v Sullivan: the 60-year old Supreme Court judgment that press freedom depends on in Trump era](#)

The motive of the speaker is also irrelevant, as the Supreme Court held in *Hustler v Falwell* that while a “bad motive” may be deemed controlling for tort liability and in other areas of the law, “the first amendment prohibits such a result in the area of public debate about public figures”.

Stakes couldn't be higher

By expressly linking Democrat criticisms of the president, and pointed critiques (however off-colour) from Kimmel and his fellow political satirists to an upsurge in political violence, the Trump administration is trying to silence criticism of its actions. But it's also clear that this behaviour is precisely what the first amendment prohibits.

Ironically, the media often portrays these episodes as “feuds” between Trump and his critics.

But when viewed through the lens of the first amendment and its core values in this context, the stakes are much higher. These episodes constitute an effort to wrest control of public discourse by interfering in the marketplace of ideas in order silence those critical of the government.

And history tells us that a government that can silence its critics often does so in pursuit of unchecked power. Viewed through this lens, perhaps the greatest threat to American democracy is the government itself.

Eliza Bechtold

Programmes Manager and Research Fellow, the Bonavero Institute of Human Rights, Faculty of Law, University of Oxford

DOI

<https://doi.org/10.64628/AB.a3a6mxjms>