



May 8, 2025

William D. Underwood
Office of the President
Mercer University
1501 Mercer University Drive
Macon, Georgia 31207

Sent via U.S. Mail and Electronic Mail (sheffield_v@mercer.edu)

Dear President Underwood:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by Mercer University's decision to remove content from its website in an effort to comply with the Trump Administration's January 21 Executive Order regarding Diversity, Equity, and Inclusion policies.² We urge Mercer to reconsider the removal of this content. Not only does its removal appear unjustified under the plain language of the EO, but more importantly, neither an executive order nor federal law may require private universities to refrain from speaking about LGBTQ+ issues or any other topic in a manner that would violate the First Amendment.

Our concerns arise from Mercer's removal of material from the university's website related to a student-led research project, *Hidden Threads: Intellect, Diversity and Religious Freedom*.³ The project culminated in a student-written book detailing the challenges faced by LGBTQ+ students on campus and the events leading up to the Georgia Baptist Convention's 2005 decision to sever its relationship with Mercer.⁴ According to local newspaper *The Telegraph*, additional material on LGBTQ+ topics was also removed from Mercer's official news site, *The Den*.⁵ The date of the material's removal is unclear.⁶

¹ For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at thefire.org.

² See Exec. Order No. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, 90 Fed. Reg. 8633 (Jan. 21, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>.

³ Myracle Lewis, *Trump orders cause a Macon university to remove LGBTQ+ content from website*, THE TELEGRAPH (Apr. 14, 2025), <https://www.macon.com/news/local/education/article304023346.html>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

In a statement, Mercer said it had “temporarily archived content on [its] website, pending guidance from the U.S. Department of Justice and U.S. Department of Education on President Trump’s Jan. 21 Executive Order regarding DEI programs.”⁷

We recognize the challenges universities face operating without the benefit of further guidance about how the EO will be applied. But the First Amendment plainly prohibits the federal government from using the EO to require Mercer to remove material from its website simply because it deals with LGBTQ+ history (or any other topic).⁸ Nor is it reasonable to interpret the language of the EO as requiring its removal, as the document itself notes, “This order does not prevent State or local governments, Federal contractors, or Federally-funded State and local educational agencies or institutions of higher education from engaging in First Amendment-protected speech.”⁹

As a private university, Mercer’s speech—including the content of its website—is protected by the First Amendment. To be sure, Mercer may, in accordance with its First Amendment rights, voluntarily choose to remove the *Hidden Threads* content from its website. But the federal government may not require Mercer to remove such content based solely on the viewpoint it expresses, whether by Executive Order or other means.

We urge Mercer to restore to its website any content—including the *Hidden Threads* and other LGBTQ+ material identified by *The Telegraph*—archived for the ostensible purposes of complying with the EO. We request a substantive response to this letter no later than May 22.

Sincerely,



Jessie Appleby
Program Counsel, Campus Rights Advocacy

Cc: Matthew Hall, Senior Vice President, General Counsel and Secretary to the Corporation
Larry Brumley, Senior Vice President for Marketing Communications and Chief of Staff

⁷ *Id.*

⁸ The same First Amendment principles govern speech in both physical and online forums. *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 928 F.3d 226, 237 (2d Cir. 2019) (“[S]ocial media is entitled to the same First Amendment protections as other forms of media.”), vacated and dismissed as moot sub nom. *Biden v. Knight First Amendment Inst. at Columbia Univ.*, 141 S. Ct. 1220 (2021); *Reno v. Amer. Civil Liberties Union*, 521 U.S. 844, 870 (1997) (finding “no basis for qualifying the level of First Amendment scrutiny” applied to the internet).

⁹ Exec. Order No. 14173, *supra* note 2, at sec. 7. b.