

October 1, 2026

Mun Y. Choi
Office of the President
University of Missouri
105 Jesse Hall
Columbia, Missouri 65211

Sent via U.S. Mail and Electronic Mail (president@missouri.edu)

Dear President Choi:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by the University of Missouri's public investigation into Professor Wayne Brekhus for comments he made regarding the school's DEI programs. As a public institution bound by the First Amendment, Mizzou must refrain from investigating protected speech, including its investigation into Brekhus. We also write to express concerns about the university's statement that it has "end[ed] DEI research projects," as well as Mizzou's announced investigation of a separate incident involving protected speech at the Speakers Circle,

On September 14, Corey A. DeAngelis, a school-choice activist and research fellow at the Heritage Foundation, posted a surreptitiously recorded video depicting Brekhus commenting on changes to Mizzou's DEI program.² In the video, which was recorded in January 2026,³ Brekhus says that Mizzou's changes to its DEI programs have been "mostly cosmetic," and the university has "found clever ways to continue to have DEI centers, but not call them that."⁴ He adds that lots of faculty do "DEI types of research and things like that," and says that

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 fire.org.

² Corey A. DeAngelis, school choice evangelist (@DeAngelisCorey), X (Sept. 28, 2026) <https://x.com/DeAngelisCorey/status/2099610801111740504> [<https://perma.cc/8RZB-EUHV>]. The recitation of facts here reflects our understanding of the pertinent information, which is based on public information. We appreciate that you may have additional information and invite you to share it with us.

³ Marie Moyer, *University of Missouri investigating professor after video alleges DEI sympathies*, ABC 17 (Sept. 15, 2026, 7:10 PM), <https://abc17news.com/news/education/university-of-missouri/2026/09/15/university-of-missouri-investigating-professor-after-video-alleges-dei-sympathies/>.

⁴ *Id.*

restrictions on DEI activities have “really been tough on research but so far they haven’t hit the curriculum.”⁵

Mizzou responded with a statement attributed to Brekhus: “I apologize for my mistake. The video was taken last year as Mizzou was eliminating its DEI programs. I am fully aware that Mizzou no longer has DEI programs and does not conduct DEI research.”⁶ Mizzou added that Brekhus’s “conduct will be investigated and appropriate actions will be taken,” and that the university had “voluntarily eliminated all DEI programs and DEI requirements in the curriculum,” and “complied with all federal directives to end DEI research projects.”⁷

Mizzou’s pursuit of disciplinary sanctions against faculty must comply with its First Amendment obligations.⁸ Indeed, courts have established that free speech is the “lifeblood of academic freedom,” which is of “special concern to the First Amendment.”⁹ The Supreme Court warned decades ago that professors and students alike “must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die.”¹⁰

The First Amendment protects professors’ academic freedom to express ideas that “serve an academic purpose.”¹¹ Here, Brekhus’ comment on university operations regarding DEI constitutes nothing more than his opinion and speculation about the changes the university has made. Further, his perspective clearly related to an “academic purpose,” and is therefore protected by the First Amendment. There is simply no reason for Mizzou to investigate Brekhus for his comments.

Next, FIRE is also concerned by Mizzou’s claim that it “complied with all federal directives to end DEI research projects.” FIRE has written previously about the First Amendment issues raised by these federal directives, as well as the problems of “overcompliance” that restricts research more than necessary or intended.¹² We remind Mizzou that researchers’ right to

⁵ *Id.*

⁶ Mizzou (@Mizzou) (Sept. 14, 2026, 10:44 PM), <https://x.com/mizzou/status/2099690694398886028?s=46> [<https://perma.cc/P2F5-7W4J>].

⁷ *Id.*

⁸ *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted); *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973).

⁹ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

¹⁰ *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

¹¹ *Demers*, 746 F.3d at 412 (faculty speech “related to scholarship and teaching” enjoys robust First Amendment protection); see *Hardy v. Jefferson Cmty. Coll.*, 260 F.3d 671, 680 (6th Cir. 2001) (rejecting “the argument that teachers have no First Amendment rights when teaching, or that [authorities] can censor teacher speech without restriction” as “totally unpersuasive.”).

¹² See, e.g., Tyler Coward, *As compliance deadline looms, colleges must resist censorship—and the feds must provide more clarity*, FIRE (Feb. 28, 2025), <https://www.fire.org/news/compliance-deadline-looms-colleges-must-resist-censorship-and-feds-must-provide-more-clarity>.

academic freedom to conduct their research under the First Amendment is denied if Mizzou is unnecessarily restricting research because that research pertains to issues relating to DEI.

Finally, our concerns for the state of free expression on campus are only exacerbated by Mizzou's reaction to comments made at a September 24 TPUSA event, where an individual expressed support for "people being killed for freedom of speech," and said, echoing a previous quote by Charlie Kirk, that "a couple of gun deaths every couple years" is worth it to preserve the Second Amendment.¹³ Mizzou announced an investigation into the individual, who is not a student and has since been trespassed from campus.¹⁴

While the individual involved is reportedly not a student, we reiterate to Mizzou the chilling effects caused by publicly announcing reviews of protected speech. Here, the individual merely discussed the potential for and justification of violence. Without more, these statements are protected by the First Amendment, which protects rhetorical hyperbole, the endorsement of violence,¹⁵ or the assertion of the "moral propriety or even moral necessity for a resort to force or violence."¹⁶ Because this speech is clearly protected, Mizzou should not have announced an investigation, let alone conducted one privately.

Mizzou may not sidestep its First Amendment obligations in response to public outrage about speech occurring on campus. We urge the university to end its investigation of Brekhuis and refrain from meting out any punishment, and we remind the university of its commitments to both free speech and academic freedom. We request a substantive response to this letter no later than October 15, 2026.

Sincerely,



Graham Piro

Faculty Legal Defense Fund Fellow, Campus Rights Advocacy

¹³ Melissa Houston, *MU investigating comments about Kirk shooting at TPUSA 'Pick up the Mic' Session*, ABC 17 (Sept. 24, 2026, 7:31 PM) <https://abc17news.com/news/education/university-of-missouri/2026/09/24/mu-investigating-comments-about-kirk-shooting-at-tpusa-pick-up-the-mic-session/>.

¹⁴ Mizzou (@Mizzou), X (Sept. 24, 2026, 2:39 PM), <https://x.com/Mizzou/status/2103192643643625489?s=20> [<https://perma.cc/GSF9-BMUY>]. The area the event was occurring in appears to be Speaker's Circle, which is a public forum. As a member of the public, the individual in question did have the right to be in this area and speak.

¹⁵ *Watts v. United States*, 394 U.S. 705, 708 (1969) (man's statement, after being drafted to serve in the Vietnam War, "If they ever make me carry a rifle the first man I want to get in my sights is L. B. J.," was rhetorical hyperbole protected by the First Amendment, not a true threat to kill the president).

¹⁶ *Noto v. United States*, 367 U.S. 290, 297–98 (1961). Additionally, an unprotected "true threat" is a statement through which "the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals." *Virginia v. Black*, 538 U.S. 343, 359 (2003). That is a standard that is clearly not met here.

Cc: Mark Van Zandt, Senior Counsel