



February 4, 2026

Charles L. Isbell, Jr.
Office of the Chancellor
University of Illinois Urbana-Champaign
517 Swanlund Admin Bldg
601 E. John MC-304
Champaign, Illinois 61820

URGENT

Sent via U.S. Mail and Electronic Mail (chancellor@illinois.edu)

Dear Chancellor Isbell:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by the University of Illinois Urbana-Champaign's public statement that it has reported the Illini Republicans, a registered student group, to the Title VI Office for the group's Instagram post expressing support for federal agents engaged in immigration enforcement. While the post may have offended some, even many, on campus, it does not fall into a category of speech unprotected by the First Amendment, which bars UIUC from investigating or punishing Illini Republicans' protected expression. We urge UIUC to immediately cease any further review or investigation of the Illini Republicans' post.

On January 31, Illini Republicans, a registered student organization at UIUC, posted a message of support for Immigration and Customs Enforcement (ICE) and other federal immigration law enforcement agencies.² The post states in part:³

For the past 60 years, and especially in the past decade, our nation has come under **invasion** from the masses of the third world and those **incompatible** with Western civilization. ... Even in the light of fraud in Minnesota have radical, **un-American**, and **treasonous** few decided to

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

² Illini Republicans (@illinirepublicans), INSTAGRAM, <https://www.instagram.com/illinirepublicans/p/DUI60JqAMND/>. The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information and invite you to share it with us.

³ *Id.* (emphasis in original).

side instead with the invaders, the **enemies** of the American people. ... **Traitors** such as Alex Pretti and Renee Nicole Good had voided their liberties the moment they decided they were above the law and the popular opinion.

The post also originally included a graphic depicting a masked agent in body armor holding a gun to the head of a kneeling or stumbling man, with the caption, “Only Traitors Help Invaders.”⁴

On February 2, Director of Executive Communications and Issues Management Patrick Wade released a written statement that said the matter had been reported to the Title VI Office, “which is reviewing reports received about the incident and process[ing] them in accordance with normal protocols.”⁵ The statement also explained that registered student organizations are independent from the university, and “[t]heir social media accounts represent their own views, not those of the university.”⁶ While correctly noting that UIUC cannot punish student groups “for the viewpoint or content of protected speech,” Wade also condemned the post: “We condemn rhetoric or imagery that appears to glorify violence or demean individuals or groups based on identity or beliefs.”⁷

UIUC’s public announcement of a “review” into a student organization’s protected speech raises serious constitutional concerns. As a public institution, UIUC’s regulation of student expression must comport with the First Amendment’s “bedrock principle” of viewpoint neutrality, even toward ideas and views some may find offensive or hateful.⁸ It is well-settled that UIUC “may not restrict speech or association simply because it finds the views expressed by any group to be abhorrent.”⁹

As commentary on the federal immigration policy, the group’s Instagram post falls well within any reasonable understanding of political advocacy protected by both the First Amendment¹⁰

⁴ Aidan Sadovi, ‘Fell the enemies’: Illini Republicans support ICE amid Minnesota killings, THE DAILY ILLINI (updated Feb. 2, 2026, 9:48 PM), <https://dailyillini.com/news-stories/university-news/student-organizations/2026/02/01/illini-republicans-ice-minnesota/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Snyder v. Phelps*, 562 U.S. 443, 458 (2011) (quoting *Texas v. Johnson*, 491 U.S. 397, 414 (1989)); *Iancu v. Brunetti*, 588 U.S. 388, 397–98 (2019); *see also 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).

⁹ *Healy*, 408 U.S. at 187–88.

¹⁰ *Meyer v. Grant*, 486 U.S. 414, 425 (1988) (holding that political speech is “an area in which the importance of First Amendment protections is at its zenith”) (internal citations omitted); *see also, e.g., Snyder*, 562 U.S. at 451–52 (“Speech on matters of public concern is at the heart of the First Amendment’s protection.”) (cleaned up).

and university policy.¹¹ The Trump administration’s ongoing immigration enforcement actions are a politically salient topic both on and off campus. Such discussions inevitably bring forth strong feelings, but the fact that others found the post to be “inappropriate or controversial” is “irrelevant” to whether the post is protected speech.¹²

Nor do the posts fall into any of the recognized, narrowly defined categories of unprotected speech, such as incitement,¹³ true threats,¹⁴ or discriminatory harassment.¹⁵ The First Amendment protects expression perceived as conceptually endorsing or celebrating violence¹⁶ or arguing for the “moral propriety or even moral necessity for a resort to force or violence.”¹⁷

Of course, none of this shields the Illini Republicans or its members from criticism by students, faculty, and the broader community. Criticism is a form of “more speech,” the remedy to offensive expression that the First Amendment prefers to censorship.¹⁸ But the university’s public announcement that the Title VI Office is reviewing the Instagram post unconstitutionally chills student expression, regardless of whether the announced “review” results in formal discipline.¹⁹

Although UIUC also may express its condemnation of the Illini Republicans’ Instagram post, we urge you to consider adopting a position of institutional neutrality on political and social questions unrelated to university governance.²⁰ As articulated in the University of Chicago’s 1967 Kalven Report, a commitment to neutrality allows a university to fulfill its primary mission of generating and disseminating knowledge by welcoming the fullest range of views.²¹ By maintaining a principled position of neutrality, a university will confront fewer demands to

¹¹ *FAQ: Free Speech and Expression*, UNIV. OF ILLINOIS URBANA-CHAMPAIGN, <https://stratcom.illinois.edu/free-speech-faq/> [https://perma.cc/8FSS-5EG2].

¹² *Rankin v. McPherson*, 483 U.S. 378, 387 (1987).

¹³ *Brandenburg v. Ohio*, 395 U.S. 444, 447–48 (1969) (incitement is speech advocating violence that is both intended and likely to produce imminent lawless action by others).

¹⁴ *Counterman v. Colorado*, 600 U.S. 66, 74 (2023) (“True threats are ‘serious expression[s]’ conveying that a speaker means to ‘commit an act of unlawful violence.’”) (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)).

¹⁵ *Davis v. Monroe Cnty. Bd. of Ed.*, 526 U.S. 629, 650 (1999) (punishable harassment is unwelcome, discriminatory on the basis of gender or another protected status, and “so severe, pervasive, and objectively offensive that it can be said to deprive the victim[] of access to the educational opportunities of benefits provided by the school”).

¹⁶ *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).

¹⁷ *Noto v. United States*, 367 U.S. 290, 297–98 (1961).

¹⁸ *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

¹⁹ See *Mendocino Env’t Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999); *Levin v. Harleston*, 966 F.2d 85, 89 (2d Cir. 1992).

²⁰ As a government actor, UIUC may express a viewpoint so long as its expression does not unconstitutionally affect private speakers’ protected speech by, for instance, chilling private speakers’ expression.

²¹ See Kalven Committee, *Report on the University’s Role in Political and Social Action*, UNIV. OF CHICAGO (1967), <https://www.thefire.org/research-learn/report-universitrys-role-political-and-social-action-kalven-report>.

censor particular voices or respond to every controversy. The university, according to the Kalven Report, “is the home and sponsor of critics; it is not itself the critic.”²² Rather, it is faculty and students who are the “instrument of dissent and criticism.”²³ We would be happy to work with UIUC on adopting institutional neutrality to avoid further controversies and make the campus free expression climate more hospitable.

Given the urgent nature of this matter, we request a substantive response to this letter no later than February 18, confirming that UIUC will promptly end its review of the Illini Republicans’ protected expression and refrain from imposing any disciplinary sanctions on the group.

Sincerely,



Jessie Appleby
Program Counsel, Campus Rights Advocacy

Cc: Gioconda Guerra Perez, Interim Vice Chancellor for Access, Civil Rights, and Community
Collin F. Richmond, Campus Legal Counsel

²² *Id.*

²³ *Id.*