

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
NATIONAL INSTITUTES OF HEALTH;  
ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of the United States  
Department of Health and Human Services;  
UNITED STATES DEPARTMENT OF  
JUSTICE; PAMELA J. BONDI, in her  
official capacity as Attorney General of the  
United States; UNITED STATES  
DEPARTMENT OF EDUCATION; LINDA  
M. MCMAHON, in her official capacity as  
Secretary of the United States Department of  
Education; UNITED STATES GENERAL  
SERVICES ADMINISTRATION;  
STEPHEN EHIKIAN, in his official capacity  
as Acting Administrator of the United States  
General Services Administration; UNITED  
STATES DEPARTMENT OF ENERGY;  
CHRISTOPHER A. WRIGHT, in his official  
capacity as Secretary of the United States  
Department of Energy; UNITED STATES  
NATIONAL SCIENCE FOUNDATION;  
SETHURAMAN PANCHANATHAN, in his  
official capacity as Director of the United  
States National Science Foundation; UNITED  
STATES DEPARTMENT OF DEFENSE;  
PETER B. HEGSETH, in his official capacity  
as Secretary of the United States Department  
of Defense; NATIONAL AERONAUTICS  
AND SPACE ADMINISTRATION; JANET  
E. PETRO, in her official capacity as Acting  
Administrator of the National Aeronautics  
and Space Administration; UNITED  
STATES DEPARTMENT OF  
AGRICULTURE; BROOKE L. ROLLINS,

Case No. 1:25-cv-11048

**FIRST AMENDED  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

in her official capacity as Secretary of  
Agriculture; UNITED STATES  
DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT; and SCOTT  
TURNER, in his official capacity as  
Secretary of Housing and Urban  
Development,

*Defendants.*

## INTRODUCTION

1. Scientific advancement and the pursuit of knowledge fuel America’s innovation, economic success, and global leadership. The commitment to expanding human understanding is foundational at American universities, including Harvard, the Nation’s oldest institution of higher learning. Since its founding nearly four centuries ago, Harvard’s students, faculty, and researchers have helped identify and solve some of society’s most pressing problems. Those pathbreaking and life-saving advancements are due in part to the longstanding collaboration between universities such as Harvard and the federal Government dating back to the Second World War. Millions of Americans are healthier and safer as a result. Federal funding has enabled researchers at Harvard to develop novel drugs to fight Parkinson’s and Alzheimer’s diseases, engineer nanofibers to protect servicemembers and first responders, support American astronauts in space, and design an artificial intelligence system that can be used to diagnose and treat cancer.

2. In recent months, the federal Government has launched a broad attack on the critical funding partnerships that make this invaluable research possible. To date, the Government has—with little warning and even less explanation—slashed billions of dollars in federal funding to universities across America, including Brown, Columbia, Cornell, Princeton, the University of Pennsylvania, and Northwestern. This case involves the Government’s efforts to use the withholding of federal funding as leverage to gain control of academic decisionmaking at Harvard.

3. On April 11, 2025, citing concerns of antisemitism and ideological capture, the Government identified ten conditions Harvard must satisfy to receive federal research funding already committed to by the Government and relied on by Harvard, its researchers, and its affiliates (the “April 11 Letter,” attached as Exhibit A). Ex. A at 2, 4. The Government dictated that Harvard “reform and restructur[e]” its governance to “reduc[e] the power” of certain students, faculty, and administrators. *Id.* at 2. It required that Harvard hire a third-party to conduct an “audit” of the viewpoints of Harvard’s student body, faculty, and staff. *Id.* at 3-4. Then, based on the results of this university-wide viewpoint audit, Harvard must “hir[e] a critical mass of new faculty” and “admit[] a critical mass of students” to achieve “viewpoint diversity” in “each department, field, or teaching unit”—to the Government’s satisfaction as determined in the Government’s sole discretion. *Id.* And the Government has demanded that Harvard terminate or reform its academic “programs” to the Government’s liking. *Id.* at 4.

4. All told, the tradeoff put to Harvard and other universities is clear: Allow the Government to micromanage your academic institution or jeopardize the institution’s ability to pursue medical breakthroughs, scientific discoveries, and innovative solutions.

5. Harvard is committed to “combatting antisemitism, one of the most insidious forms of bigotry”<sup>1</sup> and to “broaden[ing] the intellectual and viewpoint diversity within [its] community.”<sup>2</sup> Harvard is actively undertaking structural reforms to do both. And while important steps have been taken, Harvard acknowledges that there is still “much work to do.”<sup>3</sup> Harvard also fully recognizes

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<sup>1</sup> Alan M. Garber, *Our Resolve*, Harvard Univ.: Off. of the President (Mar. 31, 2025), <https://perma.cc/4UC7-E65V>.

<sup>2</sup> Alan M. Garber, *The Promise of American Higher Education*, Harvard Univ.: Off. of the President (Apr. 14, 2025), <https://perma.cc/L4G7-J8UB>.

<sup>3</sup> Garber, *Our Resolve*, *supra* n.1.

the requirement that it comply with all federal laws, including Title VI of the Civil Rights Act of 1964.

6. But, as Harvard made clear in a letter to the Government (attached as Exhibit B), “[n]either Harvard nor any other private university can allow itself to be taken over by the federal government.” Ex. B at 3. In the words of Harvard’s President, Alan M. Garber, “[t]he University will not surrender its independence or relinquish its constitutional rights.”<sup>4</sup> “No government—regardless of which party is in power—should dictate what private universities can teach, whom they can admit and hire, and which areas of study and inquiry they can pursue.”<sup>5</sup>

7. In response to Harvard’s defense of its own constitutional freedoms, the federal Government announced that it was freezing “\$2.2 billion in multiyear grants and \$60M in multiyear contract value to Harvard University” (the “April 14 Freeze Order,” attached as Exhibit C). Ex. C at 2. Within hours of the April 14 Freeze Order, Harvard began receiving stop work orders. And the situation is getting worse. On April 20, it was reported that the Government is “planning to pull an additional \$1 billion of [Harvard]’s funding for health research.”<sup>6</sup> On May 5, the Secretary of Education, purporting to speak on behalf of every agency and department, announced an “end of new grants for the University,” and directed that “Harvard should no longer seek GRANTS from the federal government, since none will be provided,” and “Harvard will cease to be a publicly funded institution” (the “May 5 Letter” or “May 5 Freeze Order,” attached as Exhibit D). Ex. D at 3-4. That announcement reiterated the Government’s earlier demands and

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<sup>4</sup> Garber, *The Promise of American Higher Education*, *supra* n.2; *see also* *Research Funding*, Harvard Univ., <https://www.harvard.edu/research-funding>.

<sup>5</sup> Garber, *The Promise of American Higher Education*, *supra* n.2.

<sup>6</sup> Douglas Belkin & Liz Essley Whyte, *Trump Administrationirate at Harvard, Plans to Pull Additional \$1 Billion in Funding*, Wall St. J. (Apr. 20, 2025), <https://tinyurl.com/5e7r7abm>.



said it was based, among other things, on the Government’s assessment of Harvard’s “academic rigor,” admissions requirements and practices, grading systems, faculty hiring, teaching, and course construction. *Id.* at 2. The April 14 Freeze Order and May 5 Freeze Order are collectively referred to herein as the “Freeze Orders.”

8. Following in the footsteps of the April 14 and May 5 Freeze Orders, Harvard began, starting on May 6, to receive institution-wide termination notices for various agencies, invoking the earlier April 11 and 14 communications. On May 6, for example, the National Institutes of Health sent Harvard a letter stating that it was terminating all of Harvard’s grant funding from that agency based on “the University’s unwillingness to take corrective action or implement necessary reforms” and that Harvard’s grant “awards no longer effectuate agency priorities” because of “recent events at Harvard University involving antisemitic action” and “Harvard’s ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students” (the “May 6 Letter” or “May 6 NIH Termination Letter,” attached as Exhibit E). Ex. E at 2-3. The letter states that “NIH generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action,” but “no corrective action is possible here.” *Id.* at 3.

9. Similarly, on May 9, the United States Department of Agriculture sent Harvard a letter announcing the termination of awards (the “May 9 letter” or “May 9 USDA Termination Letter,” attached as Exhibit F).

10. On May 12, other agencies followed suit. Harvard received analogous letters from the United States Department of Energy (the “May 12 Energy Termination Letter,” attached as Exhibit G), United States Department of Defense (the “May 12 DoD Termination Letter,” attached as Exhibit H), the National Science Foundation (the “May 12 NSF Termination Letter,” attached

as Exhibit I), and the United States Department of Housing and Urban Development (the “May 12 HUD Termination Letter,” attached as Exhibit J) (collectively, the “May 12 Letters” or “May 12 Termination Letters”). And the Department of Education has sent individual grant termination notices.

11. Defendants’ actions are unlawful. The First Amendment does not permit the Government to “interfere with private actors’ speech to advance its own vision of ideological balance,” *Moody v. NetChoice*, 603 U.S. 707, 741 (2024), nor may the Government “rely[] on the ‘threat of invoking legal sanctions and other means of coercion . . . to achieve the suppression’ of disfavored speech,” *Nat’l Rifle Ass’n v. Vullo*, 602 U.S. 175, 189 (2024) (citation omitted). The Government’s attempt to coerce and control Harvard disregards these fundamental First Amendment principles, which safeguard Harvard’s “academic freedom.” *Asociacion de Educacion Privada de P.R., Inc. v. Garcia-Padilla*, 490 F.3d 1, 8 (1st Cir. 2007). A threat such as this to a university’s academic freedom strikes an equal blow to the research conducted and resulting advancements made on its campus.

12. The Government’s actions flout not just the First Amendment, but also federal laws and regulations. The Government has expressly invoked the protections against discrimination contained in Title VI of the Civil Rights Act of 1964 as a basis for its actions. Make no mistake: Harvard rejects antisemitism and discrimination in all of its forms and is actively making structural reforms to eradicate antisemitism on campus. But rather than engage with Harvard regarding those ongoing efforts, the Government announced a sweeping freeze of current and future funding for medical, scientific, technological, and other research that has nothing at all to do with antisemitism and Title VI compliance. Moreover, Congress in Title VI set forth detailed procedures that the Government “shall” satisfy before revoking or refusing to grant or continue federal funding based

on discrimination concerns. 42 U.S.C. § 2000d-1. Those procedures effectuate Congress’s desire that “termination of or refusal to grant or to continue” federal financial assistance be a remedy of last resort. *Id.* The Government made no effort to follow those procedures—nor the procedures provided for in Defendants’ own agency regulations—before freezing Harvard’s federal financial assistance.

13. These fatal procedural shortcomings are compounded by the arbitrary and capricious nature of Defendants’ abrupt and indiscriminate decision. Even before the freezes and terminations, the Government had threatened to terminate up to \$8.7 billion in federal funding not just to Harvard, but also to preeminent Boston hospitals such as Massachusetts General Hospital, Beth Israel Deaconess Medical Center, Brigham and Women’s Hospital, Boston Children’s Hospital, and the Dana-Farber Cancer Institute. These hospitals are independent corporate entities with their own boards of directors or trustees and their own separate officers, leadership, and management. They are not under Harvard’s control. The hospitals have no control over Harvard’s enforcement of Title VI requirements, and vice versa. These hospitals have their own tax identification numbers, endowments, and accounts. And they seek and receive federal financial assistance directly from federal agencies, not through Harvard.

14. The Government has not identified—and cannot identify—any rational connection between antisemitism concerns and the medical, scientific, technological, and other research it has frozen or terminated that aims to save American lives, foster American success, preserve American security, and maintain America’s position as a global leader in innovation. Nor has the Government acknowledged the significant consequences that the indefinite freeze and termination of billions of dollars in federal research funding will have on Harvard’s research programs, the

beneficiaries of that research, and the national interest in furthering American innovation and progress.

15. The Government has not characterized any of its actions as a “termination of or refusal to grant or to continue assistance” under 42 U.S.C. § 2000d-1. But the effect of the Government’s decisions is the same. Under whatever name, the Government has ceased the flow of funds to Harvard as part of its pressure campaign to force Harvard to submit to the Government’s control over its academic programs. That, in itself, violates Harvard’s constitutional rights. But the Government has also failed to engage in the statutorily mandated process Congress required under Title VI before funds are cut off, which provides independent grounds for declaring the freeze and subsequent termination unlawful. By accepting federal funds, Harvard agreed to abide by the provisions in Title VI and the relevant agencies’ corresponding regulations. But Harvard’s agreement is not a blank check for agencies to impose the Government’s recent, unrelated demands as a condition of continued funding. *See Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212, 219 (2022) (“[T]he legitimacy of Congress’ power to enact Spending Clause legislation rests . . . on whether the recipient [of federal funds] voluntarily and knowingly accepts the terms of that contract,” and “[r]ecipients cannot knowingly accept the deal with the Federal Government unless they would clearly understand the obligations that would come along with doing so.” (cleaned up)).

16. Defendants’ actions threaten Harvard’s academic independence and place at risk critical lifesaving and pathbreaking research that occurs on its campus. And they are part of a broader effort by the Government to punish Harvard for protecting its constitutional rights. In the month since Harvard rejected the Government’s initial demands, the Government has launched multiple investigations and other actions against Harvard. Although the Government has indicated

that it has made several attempts to contact the University, at no time has it rescinded the draconian demands laid out in the April 11 Letter. Indeed, the Government has only doubled down, reupping the same demands in the May 5 Letter while noting that the “Administration’s priorities have not changed.” Ex. D at 4. Meanwhile, it has only ratcheted up funding cuts, investigations, and threats that will hurt students from every state in the country and around the world, as well as research that improves the lives of millions of Americans.

17. Plaintiff President and Fellows of Harvard College (“Harvard”) brings this civil action under the Constitution of the United States, the Administrative Procedure Act, and Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d-2, to enjoin Defendants from exceeding the bounds of their legal authority and to protect Harvard’s constitutional rights.

### **PARTIES**

18. Plaintiff President and Fellows of Harvard College is a non-profit corporation commonly known as Harvard University. Harvard is a private research university and the oldest institution of higher learning in the United States. It provides undergraduate and graduate instruction to more than 24,000 enrolled students annually across 13 schools, and it produces cutting-edge research in fields such as oncology, epidemiology, biotechnology, and many others. Advancements at Harvard have made Americans healthier and safer, increased our knowledge of the world, and made our nation more secure.

19. Defendant United States Department of Health and Human Services (“HHS”) (including all subagencies over which HHS exercises legal control) is an executive department of the United States. The National Institutes of Health (“NIH”) is an agency within HHS.

20. Defendant Robert F. Kennedy, Jr. is the Secretary and head of Defendant HHS. He is sued in his official capacity.

21. Defendant United States Department of Justice (“DOJ”) (including all subagencies

over which DOJ exercises legal control) is an executive department of the United States.

22. Defendant Pamela J. Bondi is the Attorney General of the United States and the head of Defendant DOJ. She is sued in her official capacity.

23. Defendant United States Department of Education (including all subagencies over which the United States Department of Education exercises legal control) is an executive department of the United States.

24. Defendant Linda M. McMahon is the Secretary and head of Defendant United States Department of Education. She is sued in her official capacity.

25. Defendant United States General Services Administration (“GSA”) (including all subagencies over which GSA exercises legal control) is an agency of the United States.

26. Defendant Stephen Ehikian is the Acting Administrator of Defendant GSA. He is sued in his official capacity.

27. Defendant United States Department of Energy (including all subagencies over which the United States Department of Energy exercises legal control) is an executive department of the United States.

28. Defendant Christopher A. Wright is the Secretary and head of Defendant United States Department of Energy. He is sued in his official capacity.

29. Defendant United States National Science Foundation (“NSF”) (including all subagencies over which NSF exercises legal control) is an agency of the United States.

30. Defendant Sethuraman Panchanathan is the Director and head of Defendant NSF. He is sued in his official capacity.

31. Defendant United States Department of Defense (“DoD”) (including all subagencies over which DoD exercises legal control) is an executive department of the United States.

32. Defendant Peter B. Hegseth is the Secretary and head of Defendant DoD. He is sued in his official capacity.

33. Defendant National Aeronautics and Space Administration (“NASA”) (including all subagencies over which NASA exercises legal control) is an agency of the United States.

34. Defendant Janet E. Petro is the Acting Administrator of Defendant NASA. She is sued in her official capacity.

35. Defendant United States Department of Agriculture (“USDA”) (including all subagencies over which USDA exercises legal control) is an executive department of the United States.

36. Defendant Brooke L. Rollins is the Secretary and head of Defendant USDA. She is sued in her official capacity.

37. Defendant United States Department of Housing and Urban Development (“HUD”) (including all subagencies over which HUD exercises legal control) is an executive department of the United States.

38. Defendant Scott Turner is the Secretary and head of Defendant HUD. He is sued in his official capacity.

### **JURISDICTION AND VENUE**

39. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because this civil action arises under the Constitution of the United States and federal statutes, including Title VI of the Civil Rights Act of 1964, as amended, *see* 42 U.S.C. § 2000d-2. The Court is authorized to

award the requested relief under 5 U.S.C. §§ 702, 703, 705, and 706; 28 U.S.C. §§ 2201 and 2202; 42 U.S.C. § 1988; and through the equitable powers of this Court.

40. Harvard does not seek money damages or an order mandating specific performance of any contract. Instead, it seeks an order declaring unlawful and setting aside sweeping agency action taken in violation of Harvard's constitutional rights under the First Amendment and its rights guaranteed by statute and regulation. Therefore, this Court has jurisdiction over Harvard's claims.

41. Venue is proper in this District under 28 U.S.C. § 1391(e)(1) because Defendants are agencies of the United States and officers of the United States acting in their official capacities, a substantial part of the events or omissions giving rise to the claims occurred in this District, Plaintiff resides in this District, and no real property is involved.

## **BACKGROUND**

### **Federally Funded Research at Harvard University**

42. Harvard University is the oldest institution of higher learning in the United States and one of the world's leading research universities. For decades, universities like Harvard have conducted research identified by the federal Government as essential to advancing the boundaries of human knowledge and improving the lives of Americans. While this partnership traces back to our country's founding, the partnership between the Government and universities grew stronger during and after the Second World War, as the Government increasingly recognized that universities can help achieve scientific and technological advances that benefit the public.<sup>7</sup>

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<sup>7</sup> Ronald Brownstein, *Trump's Drive Against Top Universities Could Carry a Big Economic Cost*, CNN (Apr. 13, 2025), <https://perma.cc/HR4S-5MC2>.



43. Federal funding for university research serves as a cornerstone of the American research system. It is an essential resource for the groundbreaking discoveries made today by Harvard's faculty and staff, leading not only to scientific advancement and innovation, but also to the country's economic growth. Today, Harvard's federally funded research includes particular strengths in oncology, immunology, neuroscience, molecular biology, genomics, quantum science, and other areas of technology that support our national economy and defense.

44. Harvard's researchers, in collaboration with the federal Government, have pioneered groundbreaking innovations that make millions of people in our country healthier and safer across a wide range of medical, engineering, scientific, and other fields. Their research includes, for example:

- ***Cancer Research:*** Harvard's cancer research includes identifying mechanisms that drive disease development at all stages including tumor metastasis; developing new therapeutic approaches with the goal of preventing, targeting and suppressing cancer at every stage; mapping the metabolic signaling pathways that drive the association of cancer with other diseases to restore proper cellular function and enhance prevention; and developing a new machine learning method to model the behavior of all 25,000 human genes as they respond to high-intensity treatments like chemotherapy, which the National Cancer Institute cited as an advancement in basic cancer research that will lay the groundwork for future clinical breakthroughs.
- ***Infectious Diseases Research:*** Harvard researchers study infectious diseases to better understand and address the global threat of multidrug-resistant infections; develop new tools for global pandemic prevention; discover new therapeutic antibodies and small molecules to treat or cure viral diseases; and develop enhanced approaches to monitor disease outbreaks and to predict patterns of spread.
- ***Microbiome Research:*** Harvard's microbiome research includes developing new frontiers in precision medicine that can help individuals reduce their risk of cancer and other diseases by better understanding and leveraging our bodies' relationship with the multitude of bacteria and other microorganisms that contribute to human health and disease.
- ***Toxin Reduction Research:*** Harvard's toxin reduction research includes studying the harm from microplastics on sperm counts and fertility, and developing life-saving guidance for those exposed to high levels of toxins, including firefighters, individuals working in environments with high exposure potentials (*e.g.*, members of the military, miners, and chemical factory workers), and children in rural communities.

- **Neurological Research:** Harvard’s neurological research includes identifying numerous modifiable risk factors for Parkinson’s disease, multiple sclerosis, and other neurological diseases including conditions that are generally age-related, such as Alzheimer’s (and other forms of dementia) and stroke, which creates the potential to significantly cut disease incidence and reduce healthcare costs. Other research involves efforts to better understand the role of infections in seeding neurodegenerative disorders, with important implications for prevention, diagnosis, and treatment. And other research involves studying the long-term neurologic effects of radiation and chemotherapy-based treatment on young children who survived cancer and identifying treatments to improve outcomes that also reduce the impact of therapy-related collateral damage, which is also relevant to adult cancer survivors.
- **Biotechnology:** Harvard’s biotechnology research includes studying how spaceflight, including space-related radiation, affects blood cell formation in astronauts on the upcoming Space Station and ARTEMIS missions. That research is also developing a new class of anesthetics that could lead to breakthroughs in the care of wounded servicemembers in the field that would obviate the need for trained anesthesiologists or hospitalization. And it is advancing organ chip technology to further understanding of, among other things, illnesses and injuries that result from high doses of radiation.
- **Technological Innovation:** Additional research at Harvard supports innovations in quantum computing, artificial intelligence and machine learning, nanomaterials, microchip design, biomechanics, chemical engineering, next-generation batteries, computer science, “smart” living environments for the elderly, and more.
- **Other Military Advancements and National Security:** Harvard also dedicates research to reducing the short- and long-term consequences of traumatic battlefield related injuries; developing soft robotics for enhancing battlefield performance; creating compact and rapidly deployable (foldable) bridges and other structures for military use; developing radiation countermeasures and limb regeneration; and developing hack-resistant computer networks, rapid infectious agent diagnostics, and ways to combat antibiotic resistance.

45. Federal funding for university research typically flows through a grant process administered by federal agencies. *See, e.g.*, 42 U.S.C. § 241(a)(3) (authorizing NIH to “make grants-in-aid to universities” for research support). As NIH explains, it is “the largest public funder of biomedical research in the world,” investing “most of its nearly \$48 billion budget in medical research seeking to enhance life and to reduce illness and disability.”<sup>8</sup> Through the appropriations process, Congress establishes the annual budgets for research-focused federal agencies like NIH, NSF, NASA, and others that fund university research. *See, e.g.*, Further Consolidated

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<sup>8</sup> *Grants & Funding*, Nat’l Insts. of Health, <https://perma.cc/B6CV-TKP7>.

Appropriations Act, Pub. L. No. 118-47, 138 Stat. 460, 656-60 (2024) (appropriating funds for NIH research); Consolidated Appropriations Act, Pub. L. 118-42, 138 Stat. 25, 157-63 (2024) (appropriating funds for NSF and NASA research). These appropriations directly determine how much money is available to universities and other research institutions for research grants that are most often awarded on a competitive basis.

46. Pursuant to Congress's directives, the federal Government fuels critical research at Harvard, which is one of the nation's leading recipients of NIH grants. Along with investments by the universities themselves, these grants secure the funding necessary to pursue biomedical research and other research endeavors across the University. Numerous Harvard professors, including Nobel laureates, rely on NIH and other federal funding for their work.<sup>9</sup> Federally funded research at Harvard has led to life-altering advancements in improving cancer diagnoses.<sup>10</sup> It supports brain health and trauma research for veterans.<sup>11</sup> And federal funding has supported projects focused on understanding neurodegenerative disease and creating a new class of antibiotics to treat infections.<sup>12</sup> It has also enabled Harvard researchers to study how spaceflight affects blood cell formation in astronauts on upcoming missions.<sup>13</sup>

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<sup>9</sup> 8 *Harvard Medical School Researchers Receive NIH Awards*, Harvard Med. Sch. (Oct. 26, 2023), <https://perma.cc/MNX2-V67K>; *NIH Grantees Win Nobel Prizes*, NIH Record (Oct. 25, 2024), <https://perma.cc/H99M-23YU> (recognizing NIH-funded Harvard professor Gary Ruvkun for his 2024 Nobel Prize); *OER Congratulates Recent Nobel and Lasker Award Winners*, NIH Off. of Extramural Rsch. (Oct. 1, 2009), <https://perma.cc/JL4W-R5ZN> (congratulating NIH-funded Harvard professor Jack Szostak for his 2009 Nobel Prize).

<sup>10</sup> See Ekaterina Pesheva, *A New Artificial Intelligence Tool for Cancer*, Harvard Med. Sch. (Sept. 4, 2024), <https://perma.cc/LLU4-Y4U8>.

<sup>11</sup> See *Comprehensive Brain Health and Trauma Program*, Home Base, <https://perma.cc/Q9UW-M5V7>.

<sup>12</sup> See Sy Boles, *NIH Funding Delivers Exceptional Economic Returns*, Harvard Gazette (Mar. 11, 2025), <https://tinyurl.com/ar3ajssj>.

<sup>13</sup> *Human Organs-on-Chips*, Wyss Inst., <https://perma.cc/AT2S-99ST>.

47. Harvard’s research programs—funded in part by Defendants—serve as training grounds for the next generation of scientific, technological, medical, and public health leaders, with grants supporting the work of thousands of graduate students and postdoctoral fellows.

### **Title VI and Federal Financial Assistance**

48. Title VI provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. Title VI permits an agency, under detailed conditions, to enforce this substantive provision by terminating or suspending federal financial assistance.

49. If an agency wants to freeze federal financial assistance to universities based on alleged civil rights violations under Title VI, then it must follow a detailed and mandatory statutory framework. The Supreme Court has referred to these procedural limits as “elaborate restrictions on agency enforcement.” *Alexander v. Sandoval*, 532 U.S. 275, 290 (2001).

50. No action to terminate or refuse to grant or continue federal financial assistance may be taken “until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.” 42 U.S.C. § 2000d-1; *see Adams v. Richardson*, 351 F. Supp. 636, 641 (D.D.C. 1972) (“The underlying thrust of the statute requires that the agency involved . . . attempt at the outset to secure compliance by voluntary means, if such method is reasonably possible. This course involves negotiation, and negotiation takes time.”); *cf. Mach Mining, LLC v. EEOC*, 575 U.S. 480, 486-89 (2015) (discussing similar procedural requirement in Title VII context).

51. If the agency determines that voluntary compliance is not possible, then it must initiate formal proceedings, specifically a hearing, and must make express findings on the record

before terminating or refusing to grant or to continue federal financial assistance. 42 U.S.C. § 2000d-1; *see Washington Legal Found. v. Alexander*, 984 F.2d 483, 484 (D.C. Cir. 1993). The agency head must file “a full written report of the circumstances and the grounds for such action” with the relevant committees in the House and Senate. 42 U.S.C. § 2000d-1. Further, the action does not “become effective until thirty days have elapsed after the filing of such report.” *Id.*

52. The agency Defendants’ regulations layer on top of the statutory text of 42 U.S.C. § 2000d-1 and provide additional details on procedural requirements for any termination or refusal to grant or to continue federal financial assistance based on Title VI. *E.g.*, 45 C.F.R. § 80.8-.10 (HHS); 34 C.F.R. § 100.8 (Education); 41 C.F.R. § 101-6.211-1 to -4 (GSA); 28 C.F.R. § 42.108 (DOJ). These regulations are binding on the agencies that issued them.

53. Defendants know and are capable of following these mandatory procedural steps. On the very same day as the April 11 Letter, DOJ’s Civil Rights Division sent Harvard a letter announcing that it was “commencing a compliance review investigation of Harvard University [specifically Harvard Medical School] pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*,” and noting that “[i]f we conclude that Harvard University is violating Title VI, we will inform you and work with you to secure compliance by informal voluntary means. 28 C.F.R. §§ 42.107 & 42.108.”<sup>14</sup>

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<sup>14</sup> Letter from Harmeet K. Dhillon, Assistant Att’y Gen., Civ. Rights Div., U.S. Dep’t of Just., to Jennifer O’Connor, Vice President & Gen. Couns., Harvard Univ. (Apr. 11, 2025).

### **The University's Response to Antisemitism on Harvard's Campus**

54. On October 7, 2023, the terrorist organization Hamas conducted a surprise attack on Israeli citizens, killing and brutalizing thousands of Israelis and Americans and taking more than 240 people hostage.<sup>15</sup> This began an ongoing war between Israel and Hamas.<sup>16</sup>

55. The escalating conflict in the Middle East dominated headlines around the globe. In the United States, protests erupted on university campuses across the country. Like other schools, Harvard experienced increased tensions among members of its campus community, including students.<sup>17</sup> Members of the Jewish and Israeli communities at Harvard reported treatment that was vicious and reprehensible.

56. Harvard has made policy and other changes over the last year aimed at ensuring its campus is safe, fair, and welcoming to Jewish and Israeli students. Harvard has adopted new accountability procedures and clarified policies; imposed meaningful discipline on those who violate applicable policies; enhanced programs designed to address bias and promote ideological diversity and civil discourse; hired staff to support these programs and support students; and enhanced safety and security measures.

57. In January 2024, then-interim President Garber and the Deans of Harvard's schools issued Guidance on Protest and Dissent under the University-wide Statement on Rights and

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<sup>15</sup> Josef Federman & Issam Adwan, *Hamas Surprise Attack Out of Gaza Stuns Israel and Leaves Hundreds Dead in Fighting, Retaliation*, Associated Press (Oct. 7, 2023), <https://tinyurl.com/mr2m7hek>.

<sup>16</sup> *Id.*

<sup>17</sup> J. Sellers Hill & Nia L. Orakwue, *Harvard Student Groups Face Intense Backlash for Statement Calling Israel 'Entirely Responsible' for Hamas Attack*, Harvard Crimson (Oct. 10, 2023), <https://perma.cc/Z3K4-QJKF>.

Responsibilities.<sup>18</sup> This Guidance made clear that protests are not permitted in classrooms, libraries, dormitories, dining halls, Harvard offices, or other places where they “would interfere with the normal activities of the University.”<sup>19</sup> It also reiterated that protests may not interfere “with the free flow of vehicular, bicycle, or pedestrian traffic” on campus.<sup>20</sup>

58. In August 2024, Harvard issued updated information on Rules for Use of Campus Spaces,<sup>21</sup> which expressly prohibit, among other things, structures such as tents, unauthorized exhibits and displays, and excessive noise.<sup>22</sup>

59. In September 2024, Harvard released Guidance explaining that online “doxing” violates the University’s prohibition on “intense personal harassment” and constitutes bullying under its Non-Discrimination and Anti-Bullying Policies.<sup>23</sup>

60. In November 2024, Harvard issued a “Frequently Asked Questions” statement (“FAQs”) on “Protests in Libraries” explaining how its Protest and Dissent Guidelines found in the University-wide Statement on Rights and Responsibilities apply to protests in Harvard’s libraries. The FAQs underscore that when a library space is used to “express a shared message,”

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<sup>18</sup> *Statement of Interim President and Deans on University Rights and Responsibilities*, Harvard Univ.: Off. of the President (Jan. 19, 2024), <https://perma.cc/2ND4-HHDV>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Rules for Use of Campus Spaces*, Harvard Univ.: Off. of the Exec. Vice President (Aug. 1, 2024), <https://perma.cc/3HTH-S4B2>.

<sup>22</sup> *Campus Use Rules*, Harvard Univ.: Off. of the Exec. Vice President, <https://perma.cc/2M4M-ZS2C>.

<sup>23</sup> *Guidance on Addressing Online Harassment*, Harvard Univ.: Off. of the President (Sept. 5, 2024), <https://perma.cc/25YW-EFN2>.

even if the participants are silent, the demonstration “interfere[s] with the room’s purpose as a place of study and research” and violates University policies.<sup>24</sup>

61. Harvard has also made changes to clarify the scope of prohibited conduct aimed at Jewish and Israeli students. In January 2025, Harvard committed to take account of the International Holocaust Remembrance Alliance’s (“IHRA”) definition of antisemitism in its anti-harassment policies and disciplinary proceedings.<sup>25</sup> The United States, as a member of IHRA, uses this definition and has encouraged other governmental and international organizations to use it. Harvard is one of only a few universities to have adopted the IHRA definition.

62. In March 2025, Harvard released updated “Frequently Asked Questions” clarifying that both Jewish and Israeli identities are covered by the University’s Non-Discrimination and Anti-Bullying Policies, that the IHRA definition of antisemitism will be used, and that IHRA examples will be considered in assessing incidents.<sup>26</sup> The guidance also made clear that the Non-Discrimination policy applies to conduct targeting Zionists.<sup>27</sup>

63. Harvard has taken action to enforce these policies in response to campus incidents in the current academic year. During the fall 2024 semester, Harvard suspended library access for dozens of students and faculty members who violated University policies in connection with protests in Harvard’s college, law school, and divinity school libraries.<sup>28</sup> In March 2025, Harvard

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<sup>24</sup> *Frequently Asked Questions: Protests in Libraries*, Harvard Libr. (Dec. 10, 2024), <https://perma.cc/AK9P-GPHH>.

<sup>25</sup> Vimal Patel, *Harvard Adopts a Definition of Antisemitism for Discipline Cases*, N.Y. Times (Jan. 21, 2025), <https://tinyurl.com/2mamnmaw>.

<sup>26</sup> *Frequently Asked Questions*, Harvard Univ.: Off. for Cmty. Conduct, <https://perma.cc/3NKY-LD97>.

<sup>27</sup> *Id.*

<sup>28</sup> See Neil H. Shah, *Faculty Members Suspended From Harvard’s Main Library After ‘Study-In’ Protest*, Harvard Crimson (Oct. 25, 2024), <https://perma.cc/D3RV-8HJR>; S. Mac Healy &



terminated a University employee who tore down Chabad posters (which showed images of Israeli hostages) in violation of Harvard's policy against "'tampering with or removing' approved displays."<sup>29</sup> And in April 2025, Harvard suspended the undergraduate Palestine Solidarity Committee and banned the organization from hosting public events until July due to violations of Harvard's Campus Use Rules.<sup>30</sup>

64. Well before the Government's engagement, Harvard had initiated steps to address antisemitism on campus. Recognizing the seriousness of this issue, Harvard has taken and will continue to take steps to do so in the future.

65. Concurrently with these changes, a Presidential Task Force on Combating Antisemitism ("Harvard Task Force") was formed on January 19, 2024, by President Garber and was charged with "identifying the root causes of and contributing factors to bias-based behaviors on campus," "evaluating evidence regarding the characteristics and frequency of these behaviors," and "recommending approaches to combat bias and to mitigate its impact on campus."<sup>31</sup>

66. The Harvard Task Force released its preliminary recommendations on June 6, 2024.<sup>32</sup> The Harvard Task Force observed that, since October 2023, Jewish and Israeli students

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Saketh Sundar, *HLS Banned 60 Students From Its Library for a 'Study-In.' Dozens Just Did It Again*, Harvard Crimson (Oct. 25, 2024), <https://perma.cc/GH98-8GAJ>; Rachael A. Dziaba & Aisatu J. Nakoulima, *Students Suspended from Harvard Divinity School Library After Pray-In*, Harvard Crimson (Nov. 13, 2024), <https://perma.cc/3RPA-TVNH>.

<sup>29</sup> Samuel A. Church & Cam N. Srivastava, *Librarian Who Removed Chabad Poster Is No Longer Employed at Harvard*, Harvard Crimson (Mar. 10, 2025), <https://perma.cc/U4VJ-AYTJ>.

<sup>30</sup> Samuel A. Church, Elyse C. Goncalves & Cam N. Srivastava, *Harvard Places Palestine Solidarity Committee on Probation Over Tuesday HOOP Rally*, Harvard Crimson (Apr. 3, 2025), <https://perma.cc/SR8Q-K6CA>.

<sup>31</sup> *Announcement of Presidential Task Forces*, Harvard Univ.: Off. of the President (Jan. 19, 2024), <https://perma.cc/45XJ-4NSV>.

<sup>32</sup> *See generally* Presidential Task Force on Combating Antisemitism, Harvard Univ., *Preliminary Recommendations* (June 6, 2024), <https://perma.cc/PD6T-7DGN>.

had been subject to incidents of “shunning, harassment, and intimidation” on campus.<sup>33</sup> In response, the Harvard Task Force proposed “short-term actionable items” including releasing a statement clarifying Harvard’s values, strengthening anti-bullying policies, and fostering constructive dialogue on campus.<sup>34</sup> Harvard has already acted on these recommendations.

67. On April 29, 2025, the Harvard Task Force released its full report and detailed recommendations for ongoing reforms to ensure the safety and inclusion of Harvard’s Jewish and Israeli student populations.<sup>35</sup> Harvard continues to update and enforce its policies and procedures to protect Jewish and Israeli members of the Harvard community while permitting the free and open exchange of ideas.

#### **Defendants’ Actions Threatening Harvard’s Federal Research Funding**

68. On February 3, 2025, DOJ announced the formation of a multi-agency Task Force to Combat Antisemitism (“Federal Task Force”) including representatives from the Department of Education, HHS, and other agencies, led by Senior Counsel to the Assistant Attorney General for Civil Rights, Leo Terrell.<sup>36</sup>

69. On February 26, 2025, a news article reported Terrell as saying, “When you see universities start losing millions of dollars in federal funding, you’re going to see a change in their behavior.”<sup>37</sup> A few days later, Terrell stated in a Fox Business clip he later shared on X, “I’ve

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<sup>33</sup> *Id.* at 1.

<sup>34</sup> *Id.* at 1-5.

<sup>35</sup> Alan M. Garber, *Update on Presidential Task Forces*, Harvard Univ.: Off. of the President (Apr. 29, 2025), <https://perma.cc/YMG7-74VF>.

<sup>36</sup> Press Release, U.S. Dep’t of Justice, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism* (Feb. 3, 2025), <https://perma.cc/Z4UV-HB2Y>.

<sup>37</sup> Akiva Van Koningsveld, *Head of DOJ Antisemitism Task Force: We’ll Put Hamas Supporters in Jail ‘for Years,’* Jewish News Syndicate (Feb. 26, 2025), <https://perma.cc/5327-BU4R>.

targeted ten schools. Columbia, Harvard, Michigan, UCLA, USC. Let me tell you what we're going to do. We're going to take away your funding.”<sup>38</sup> These statements echo earlier comments made by Terrell and President Donald J. Trump. President Trump's campaign website touted his plan “to reclaim our once great educational institutions from the radical Left and Marxist maniacs,”<sup>39</sup> including by threatening to “take the billions and billions of dollars that we will collect by taxing, fining, and suing excessively large private university endowments” from “Harvard and other once-respected universities.”<sup>40</sup> And prior to Terrell's appointment as Senior Counsel to the Assistant Attorney General for Civil Rights and head of the Federal Task Force, he promised that “Harvard will lose much more [funding] effective January 2025” because “America will no longer fund Jew Hating Schools!”<sup>41</sup>

70. On February 27, 2025, Harvard received a letter (attached as Exhibit K) from the Federal Task Force. That letter requested a meeting “within 30 days with relevant administrators, faculty, staff members, and any on-campus Jewish stakeholder groups” to help the Federal Task Force “fully and objectively evaluate the allegations and determine what further action, if any, may be warranted.” Ex. K at 3.

71. On February 28, 2025, the Federal Task Force issued a press release (attached as Exhibit L) announcing its plans to visit ten university campuses, including Harvard, to gather information about allegations of antisemitic incidents as it considers whether remedial action is warranted.

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<sup>38</sup> @TheLeoTerrell, X.com (Feb. 28, 2025, 11:48 AM ET), <https://perma.cc/5NBW-B6P5>.

<sup>39</sup> *Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DonaldJTrump.com (July 17, 2023), <https://perma.cc/7VKE-VN89>.

<sup>40</sup> *Agenda47: The American Academy*, DonaldJTrump.com (Nov. 1, 2023), <https://perma.cc/WFL2-Y262>.

<sup>41</sup> @TheLeoTerrell, X.com (Oct. 20, 2024, 3:33 PM ET), <https://perma.cc/9WUM-PKHK>.

72. In the weeks following DOJ’s letter to Harvard requesting a meeting and the Federal Task Force’s press release announcing campus visits, Harvard worked with Government officials to schedule an on-campus meeting. A campus visit was scheduled for late April 2025.

73. On March 31, 2025, Harvard received a letter from GSA (the “March 31 Letter,” attached as Exhibit M). The March 31 Letter announced a federal review of more than \$8.7 billion in federal research grants to Harvard and “its affiliates,” Ex. M at 2—an apparent reference to Boston-area teaching hospitals and their affiliated professional corporations or group medical practices that employ Harvard Medical School faculty, but which are entirely independent entities and are *not* part of Harvard.

74. The March 31 Letter linked the review of funding to Defendants’ allegations about antisemitism on Harvard’s campus: Harvard is “being investigated for potential infractions and dereliction of duties to curb or combat anti-Semitic harassment.” *Id.* The cover e-mail (attached as Exhibit N) transmitting the letter to President Garber further confirmed: “This review is being conducted in support of President Trump’s Executive Order, ‘Additional Measures to Combat Anti-Semitism.’” Ex. N at 2. And Defendants’ press release announcing the review offered even further confirmation: the review of funding is “part of an investigation aimed at eliminating anti-Semitic harassment on college campuses.”<sup>42</sup> The press release referred to a “similar ongoing

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<sup>42</sup> Press Release, U.S. Dep’t of Health and Human Servs., *HHS, ED, and GSA Initiate Federal Contract and Grant Review of Harvard University* (Mar. 31, 2025), <https://tinyurl.com/4nzf3zth> (cleaned up).

review of Columbia University,”<sup>43</sup> and linked to another press release concerning “ongoing investigations for potential violations of Title VI of the Civil Rights Act” at Columbia.<sup>44</sup>

75. On April 1, 2025, at a private lunch, President Trump proposed canceling all federal funds promised to Harvard. According to an anonymous source, President Trump asked, “What if we never pay them? . . . Wouldn’t that be cool?”<sup>45</sup>

76. On April 3, 2025, Harvard’s President received another e-mail (attached as Exhibit O). The e-mail’s subject line was “Official Notice: Task Force to Combat Anti-Semitism Letter of Demands to Harvard University.” Ex. O at 2. The e-mail stated: “I am sending you an official notice of pre-conditions your institution must comply with in order to be in good standing and continue to be the recipient of federal taxpayer dollars.” *Id.*

77. A letter accompanying the e-mail (the “April 3 Letter,” attached as Exhibit P) described “several broad, non-exhaustive areas of reform that the government views as necessary for Harvard to implement to remain a responsible recipient of federal taxpayer dollars.” Ex. P at 2. The proposed reforms included governance reforms “to foster clear lines of authority”; oversight of “biased programs that fuel antisemitism” to “improve viewpoint diversity”; and efforts “to shutter” diversity, equity, and inclusion (“DEI”) programs that “teach” certain things. *Id.* at 2-3. The April 3 Letter further stated that Harvard had “failed to protect American students and faculty from antisemitic violence and harassment in addition to other alleged violations of Title VI and

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<sup>43</sup> *Id.*

<sup>44</sup> Press Release, U.S. Gen. Servs. Admin., *HHS, ED and GSA Respond to Columbia University’s Actions to Comply with Joint Task Force Pre-conditions* (Mar. 24, 2025), <https://perma.cc/F45D-N5VG>.

<sup>45</sup> Michael C. Bender, Alan Blinder, & Jonathan Swan, *Inside Trump’s Pressure Campaign on Universities*, N.Y. Times (Apr. 14, 2025), <https://tinyurl.com/2uummfbb>.

Title VII of the Civil Rights Act of 1964” and closed by calling for “immediate cooperation in implementing these critical reforms” as a prerequisite for continued federal funding. *Id.*

78. On April 11, 2025, HHS, GSA, and the Department of Education sent another letter to President Garber. Ex. A. The April 11 Letter, which “incorporates and supersedes” the April 3 Letter, similarly laid out a list of conditions to “maintain Harvard’s financial relationship with the federal government,” including the following:

- **“Viewpoint Diversity in Admissions and Hiring.** . . . [T]he University shall commission an external party . . . to *audit the student body, faculty, staff, and leadership* for viewpoint diversity, such that each department, field, or teaching unit *must be individually viewpoint diverse*. . . . Harvard must *abolish all criteria, preferences, and practices, whether mandatory or optional, throughout its admissions and hiring practices*, that function as ideological litmus tests. Every department or field found to lack viewpoint diversity *must be reformed by hiring a critical mass of new faculty* within that department or field who will provide viewpoint diversity; every teaching unit found to lack viewpoint diversity *must be reformed by admitting a critical mass of students* who will provide viewpoint diversity.”
- **“Governance and leadership reforms.** . . . Harvard must make meaningful governance reform and restructuring . . . [including] empowering tenured professors and senior leadership, and, from among the tenured professoriate and senior leadership, exclusively those most devoted to the scholarly mission of the University and committed to the changes indicated in this letter; *reducing the power held by students and untenured faculty*; [and] *reducing the power held by faculty (whether tenured or untenured) and administrators* more committed to activism than scholarship.”
- **“Discontinuation of DEI.** The University must immediately shutter all diversity, equity, and inclusion (DEI) programs, offices, committees, positions, and initiatives, under whatever name, and stop all DEI-based policies, including DEI-based disciplinary or speech control policies, under whatever name . . . through *structural and personnel changes*” and “demonstrate that it has done so to the satisfaction of the federal government.”
- **“International Admissions Reform.** . . . [T]he University must reform its recruitment, screening, and admissions of international students to *prevent admitting students* hostile to the American values and institutions inscribed in the U.S. Constitution and Declaration of Independence . . . through *structural and personnel changes*.”

- **“Student Discipline Reform and Accountability.** . . . In the future, funding decisions for student groups or clubs *must be made exclusively by a body of University faculty accountable to senior University leadership*. In particular, Harvard *must end support and recognition* of those student groups or clubs that engaged in anti-Semitic activity since October 7th, 2023, including the Harvard Palestine Solidarity Committee, Harvard Graduates Students 4 Palestine, Law Students 4 Palestine, Students for Justice in Palestine, and the National Lawyers Guild, and discipline and render ineligible the officers and active members of those student organizations.”
- **“Transparency and Monitoring.** . . . The University must . . . , to the satisfaction of the federal government, disclose the source and purpose of all foreign funds; cooperate with the federal government in a forensic audit of foreign funding sources and uses, including how that money was used by Harvard, its agents, and . . . third parties acting on Harvard’s campus.” On a quarterly basis through the end of 2028, “the University shall submit to the federal government a report—certified for accuracy—that documents its progress on the implementation of the[se] reforms.”

Ex. A at 2-6 (emphases added).

79. The April 11 Letter stated the Government’s expectation of “immediate cooperation in implementing these critical reforms” if the University wanted to “maintain Harvard’s financial relationship with the federal government.” *Id.* at 2, 6.

80. On April 14, 2025, Harvard declined to accede to the Government’s demands. In a letter to the Government, Harvard’s lawyers said, “Neither Harvard nor any other private university can allow itself to be taken over by the federal government.” Ex. B at 3. Because the April 11 Letter “presents demands that, in contravention of the First Amendment, invade university freedoms long recognized by the Supreme Court,” the response said, “Harvard is not prepared to agree to demands that go beyond the lawful authority of this or any administration” and “will not accept the government’s terms.” *Id.* at 2-3.

81. President Garber, in a statement to the Harvard community that day, wrote, “Although some of the demands outlined by the government are aimed at combating antisemitism,

the majority represent direct governmental regulation of the ‘intellectual conditions’ at Harvard.”<sup>46</sup> He also explained, “No government—regardless of which party is in power—should dictate what private universities can teach, whom they can admit and hire, and which areas of study and inquiry they can pursue.”<sup>47</sup>

### **Defendants Cut Harvard’s Research Funding**

82. Just hours after Harvard rejected the Government’s demands for control over its academic enterprise, the Federal Task Force “announc[ed] a freeze on \$2.2 billion in multi-year grants and \$60M in multi-year contract value to Harvard University.” Ex. C at 2. The April 14 Freeze Order cited “[t]he harassment of Jewish students” and “the troubling entitlement mindset that is endemic in our nation’s most prestigious universities and colleges.” *Id.*

83. The Government immediately began implementing the April 14 Freeze Order. Within hours, Harvard began receiving stop work orders.

84. A few days later, reports surfaced that the Director of NIH’s Office of Policy for Extramural Research Administration had informed other officials at NIH that the agency had “received confirmation from HHS/IOS to hold off on making awards to schools where the funds have been frozen, i.e., Columbia, Brown, Northwestern, Cornell, Weill-Cornell, Harvard.”<sup>48</sup> The Director also noted that “HHS/IOS has stated that we should not provide any communications to these schools about whether or why the funds are frozen.”<sup>49</sup>

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<sup>46</sup> Garber, *The Promise of American Higher Education*, *supra* n.2.

<sup>47</sup> *Id.*

<sup>48</sup> @maxdkozlov, X.com (Apr. 18, 2025, 4:24 PM ET), <https://perma.cc/A6L3-M43C>.

<sup>49</sup> *Id.*



85. On April 20, 2025, it was reported that the “Trump administration has grown so furious with Harvard University” that “it is planning to pull an additional \$1 billion of the school’s funding for health research.”<sup>50</sup>

86. On May 2, 2025, President Trump escalated the Government’s demands, posting on social media: “We are going to be taking away Harvard’s Tax Exempt Status. It’s what they deserve!”<sup>51</sup>

87. On May 5, 2025, the Secretary of Education sent Harvard another letter, which the Department of Education publicly released, stating that “Harvard should no longer seek GRANTS from the federal government, since none will be provided,” that “Harvard will cease to be a publicly funded institution,” and that “today’s letter marks the end of new grants for the University.” Ex. D at 3-4. The May 5 Freeze Order said the action was based, among other things, on the Government’s assessment of Harvard’s “academic rigor,” admissions requirements and practices, grading systems, faculty hiring, and course construction. *Id.* at 2.<sup>52</sup>

88. On May 6, 2025, NIH sent Harvard a letter announcing the termination of \$2.2 billion<sup>53</sup> in awards, invoking 2 C.F.R. § 200.340(a)(4) and stating that Harvard’s grant “awards no longer effectuate agency priorities” because of “recent events at Harvard University involving antisemitic action” and “Harvard’s ongoing inaction in the face of repeated and severe harassment

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<sup>50</sup> Belkin & Whyte, *Trump Administrationirate at Harvard*, *supra* n.6.

<sup>51</sup> @realDonaldTrump, Truth Social (May 2, 2025, 7:25 AM), <https://tinyurl.com/35wu7kpk>.

<sup>52</sup> As of the filing of this Complaint, the Government agreed to also include, in the Administrative Record that will be filed on May 19, 2025, all non-privileged documents directly or indirectly considered in issuing the May 5 Letter, the May 6 Letter, the May 9 Letter, and the May 12 Letters.

<sup>53</sup> See Jon Michael Raasch, *Trump Escalates War on Harvard by Officially Terminating \$2.2B in Federal Grants*, Daily Mail (May 7, 2025), <https://perma.cc/9QKQ-2H5W>.

and targeting of Jewish students.” Ex. E at 2-3. The letter stated that “NIH generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action,” but “no corrective action is possible here.” *Id.* at 3. NIH claimed that “no modification of the projects could align the projects with agency priorities” because of “the University’s unwillingness to take corrective action or implement necessary reforms.” *Id.*

89. On May 9, 2025, USDA sent Harvard a similar letter announcing the termination of awards and stating that Harvard’s grant “awards no longer effectuate agency priorities” because of “recent events at Harvard University involving antisemitic action” and “Harvard’s ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students.” Ex. F at 2. The letter asserted that “no modification of the projects could align the projects with agency priorities” because of “the University’s unwillingness to take corrective action or implement necessary reforms.” *Id.*

90. On May 12, 2025, Harvard received letters from the Department of Energy, DoD, NSF, and HUD announcing the respective agencies’ terminations of Harvard’s awards. Ex. G; Ex. H; Ex. I; Ex. J.

91. The May 12 Energy Termination Letter invoked 2 C.F.R. § 200.340(a)(4) and stated that Harvard’s grant “awards no longer effectuate[]” agency priorities because of “recent events at Harvard involving antisemitic action” and “Harvard’s ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students.” Ex. G at 2. The letter asserted that “no modification of the Harvard projects could align the projects with agency priorities and any continued funding of the projects is inconsistent with [the Department of Energy’s] stewardship of American taxpayer funds and would be inconsistent with [the Department of Energy’s] overall mission and goals” because “Harvard has refused to take immediate, definitive,

and appropriate remedial action.” *Id.* The letter also cited 2 C.F.R. § 200.343 and stated that “costs to the recipient or subrecipient resulting from financial obligations incurred by the recipient or subrecipient during the termination of this award are not allowable.” *Id.* at 3.

92. The May 12 DoD Termination Letter invoked 2 C.F.R. § 200.340(a)(4) and stated its “awards to Harvard University no longer effectuate agency priorities of the DoD” because of “recent events at Harvard University involving antisemitic action” and “Harvard’s ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students.” Ex. H at 2. That letter also cited 2 C.F.R. § 200.344 and stated that “[c]osts resulting from financial obligations incurred after termination are not allowable.” *Id.*

93. The May 12 NSF Termination Letter stated that “[t]he agency has determined that the termination of certain awards is necessary because they are not in alignment with current NSF priorities and/or programmatic goals.” Ex. I at 2. As the basis for its termination, NSF asserted that “Harvard continues to engage in race discrimination including in its admissions process, and in other areas of student life, as well as failing to promote a research environment free of antisemitism and bias.” *Id.* NSF’s letter states “[t]his is the final agency decision and not subject to appeal.” *Id.*

94. The May 12 HUD Termination Letter invoked 2 C.F.R. § 200.340(a)(4) and stated that Harvard’s “awards no longer effectuate agency priorities.” Ex. J at 2. The letter contained no explanation as to which agency priorities had changed or why Harvard’s grant awards were no longer in alignment with agency priorities.

95. On May 13, 2025, the Federal Task Force issued a press release claiming “Harvard University has repeatedly failed to confront the pervasive race discrimination and anti-Semitic harassment plaguing its campus,” and stating that “[t]he Task Force fully supports the Trump

Administration’s multi-agency move to cut funding to Harvard, demonstrating the entire Administration’s commitment to eradicating discrimination on Harvard’s campus.”<sup>54</sup>

96. The Government’s repeated assertion that Harvard has refused to take remedial action ignores the “meaningful reforms” Harvard is undertaking to “eliminate antisemitism and other forms of hate from [its] campus,” which have been detailed publicly.<sup>55</sup>

97. The Office of Management and Budget’s (“OMB”) Uniform Guidance (which applies to all federal Government agencies that award research grants) and specific HHS regulations (which apply directly to NIH, among other HHS subagencies) require the awarding agency to reimburse award recipients within 30 calendar days of a request for reimbursement, unless the awarding agency “reasonably believes the request to be improper.” 2 C.F.R. § 200.305(b)(3); 45 C.F.R. § 75.305(b)(3). Allowable payments may be delayed under the Uniform Guidance only where the recipient (i) “has failed to comply with the terms and conditions of the Federal award,” or (ii) “is delinquent in a debt to the United States.” 2 C.F.R. § 200.305(b)(6). Similarly, under HHS regulations, the withholding of allowable payments is permitted only under specific circumstances, including where the recipient “has failed to comply with the project objectives, Federal statutes, regulations, or the terms and conditions of the Federal award”; the recipient “is delinquent in a debt to the United States”; or under other specified circumstances. 45 C.F.R. § 75.305(b)(6). If a recipient fails to comply with federal statutes, regulations, or the terms and conditions of a federal award, HHS may impose additional conditions, which (i) must be imposed with respect to a “*specific award*,” (ii) do not include the delay of

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<sup>54</sup> Press Release, U.S. Dep’t of Health & Human Servs., *Joint Task Force to Combat Anti-Semitism Statement on Additional Harvard Actions* (May 13, 2025), <https://perma.cc/99B4-AG8Z>.

<sup>55</sup> Letter from Alan M. Garber, President, Harvard Univ., to Linda E. McMahon, Sec’y of Educ., U.S. Dep’t of Educ. (May 12, 2025), <https://perma.cc/Y7F9-C7FD>.

reimbursement, and (iii) may be imposed only with *notice to the recipient, justification for the additional conditions, and an explanation of the “nature of the action needed to remove” them*. 45 C.F.R. § 75.207 (emphases added); *see also* 45 C.F.R. § 75.371. Only if and when the HHS entity “determines that noncompliance cannot be remedied by imposing additional conditions” may HHS withhold payments. 45 C.F.R. § 75.371. Importantly, any “payment withheld for failure to comply with Federal award conditions, but without suspension of the Federal award, must be released to the [recipient] upon subsequent compliance.” 45 C.F.R. § 75.305(b)(6)(iii).

98. Unless and until the April 14 and May 5 Freeze Orders are dissolved, and the Government’s subsequent implementation of those Orders in the Termination Letters enjoined or vacated, Harvard will suffer widespread disruption of its research operations, with Harvard—and those faculty, staff, and students whose salaries are supported by the frozen or terminated funding—not knowing when, or if, existing funding will resume or whether it will be available in the future. This disruption threatens the integrity and continuity of ongoing research studies supported by the frozen or terminated funding, as well as their future viability. At this point, for example, Harvard does not know whether to end employment of anyone whose salary was supported by the frozen or terminated funding or what its future hiring decisions should look like. Nor does it know whether to expend funds to retain such items as cell cultures and other living and perishable materials used in research or to continue maintenance of research supplies and equipment tied to the frozen or terminated funding.

### **Consequences of the Government’s Actions**

99. The effect of Defendants’ actions is to eliminate billions of dollars for Harvard’s federally funded research. Over time, the school will be forced to either (i) reduce or halt ongoing research projects mid-stream and terminate employment contracts with researchers, staff, and administrators, or (ii) to make other cuts to departments or programs.

100. If Harvard continues to replace the frozen and terminated funding from its own resources, it will be forced to reduce the number of graduate students it admits and the number of faculty and research staff it pays to conduct research. It will be unable to continue procuring and maintaining cutting-edge supplies, equipment, and facilities for research. Without the federal funding at issue, Harvard would need to operate at a significantly reduced level. And Harvard's overall reputation as a premier research institution will suffer, compromising its ability to recruit and retain talent, secure future funding, and maintain its relationships with other institutions.

101. Harvard is one of Massachusetts' largest employers. Consequently, the Government's actions will also cause economic harm to the Boston area and the Commonwealth. And the impact will be felt in other states as well. As a recipient of federal research funding, Harvard issues subawards to institutions across America, including St. Jude Children's Research Hospital, the University of Alabama, and Baylor College of Medicine.

102. Harvard frequently collaborates with state and local partners on regional initiatives to fuel spending in the local economy. The freezes and terminations will reduce, delay, or eliminate much of this activity.

103. The freezes and terminations will chill Harvard's exercise of its First Amendment rights. Harvard will be unable to make decisions regarding its faculty hiring, academic programs, student admissions, and other core academic matters without fear that those decisions will run afoul of government censors' views on acceptable levels of ideological or viewpoint diversity on campus.

104. Notably, the freezes and terminations are part of a broader effort by the Government to punish Harvard for protecting its constitutional rights. In the month since Harvard's April 14 letter and statement, the Government has launched multiple investigations and other actions

against Harvard. On April 16, 2025, for example, DHS threatened Harvard’s eligibility to enroll international students.<sup>56</sup> On April 17, 2025, the House Committee on Oversight and Government Reform announced an investigation into Harvard.<sup>57</sup> Also on April 17, 2025, the Department of Education sent a records request to Harvard.<sup>58</sup> On April 24, 2025, President Trump derided Harvard as “an Anti-Semitic, Far Left Institution” and “a threat to Democracy.”<sup>59</sup> And the President has announced, “We are going to be taking away Harvard’s Tax Exempt Status. It’s what they deserve!”<sup>60</sup>

105. The freezes and terminations also will adversely affect the broader landscape of American scientific and medical research and economic innovation by undermining critical research initiatives and interrupting ongoing scientific and other research. By halting the flow of federal funding, present and future, the freezes and terminations create a ripple effect extending beyond Harvard’s campus by stifling job creation in the research sector across the nation, reducing intellectual property development, and delaying scientific and medical advances that boost the national economy and improve patient care. The economic implications are substantial, as each suspended research project hinders the cultivation of the scientific talent that drives the United States’ global competitiveness in research and development. As President Garber put it, “[f]or the

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<sup>56</sup> Samuel A. Church & Cam N. Srivastava, *DHS Threatens to Revoke Harvard’s Eligibility to Host International Students Unless It Turns Over Disciplinary Records*, Harvard Crimson (Apr. 17, 2025), <https://perma.cc/775F-QA32>.

<sup>57</sup> Dhruv T. Patel & Grace E. Yoon, *House Oversight Committee Launches Investigation into Harvard, Requests Documents Related to Trump’s Demands*, Harvard Crimson (Apr. 17, 2025), <https://perma.cc/U3KP-RNLD>.

<sup>58</sup> Press Release, U.S. Dep’t of Educ., *U.S. Department of Education Initiates Records Request from Harvard University After Discovering Inaccurate Foreign Financial Disclosures* (Apr. 18, 2025), <https://perma.cc/94K2-BQS7>.

<sup>59</sup> @realDonaldTrump, Truth Social (Apr. 24, 2025, 9:33 AM), <https://tinyurl.com/5zun98cf>.

<sup>60</sup> @realDonaldTrump, Truth Social (May 2, 2025, 7:25 AM), <https://tinyurl.com/35wu7kpk>.

government to retreat from these partnerships now risks not only the health and well-being of millions of individuals, but also the economic security and vitality of our nation.”<sup>61</sup> These harms are irreparable absent judicial intervention.

## CLAIMS

### COUNT 1

#### VIOLATION OF THE FIRST AMENDMENT (ADMINISTRATIVE PROCEDURE ACT CAUSE OF ACTION)

106. Harvard incorporates by reference the allegations of the preceding paragraphs.

107. Under the Administrative Procedure Act (“APA”), a court shall “hold unlawful and set aside agency action . . . found to be . . . contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(B).

108. The Government threatened to terminate Harvard’s federal funding unless Harvard restructured its internal governance, changed its hiring and admissions practices to strike Defendants’ preferred balance of viewpoints, and modified what it teaches its students to align with Defendants’ views. For example, the demands required Harvard to modify its hiring and admissions practices to achieve a particular balance of viewpoints in every “department,” “field,” and “teaching unit.” Ex. A at 3. In other words, the Government wielded the threat of withholding federal funds in an attempt to coerce Harvard to conform with the Government’s preferred mix of viewpoints and ideologies. Defendants sent Harvard the April 11 Letter and, when Harvard refused the demands, ordered the freeze of billions of dollars in current federal funding. After Harvard filed this lawsuit, Defendants announced the end of future federal funding and termination of Harvard’s grants.

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<sup>61</sup> Garber, *The Promise of American Higher Education*, *supra* n.2.



109. Defendants’ freeze and termination of Harvard’s federal funding constitutes final agency action because it “mark[s] the ‘consummation’ of the . . . decisionmaking process” and “determines” the “rights [and] obligations” of parties and is backed by “legal consequences.” *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (citations omitted).

110. The First Amendment provides that the federal Government “shall make no law . . . abridging the freedom of speech.” U.S. Const. amend. I.

111. “[A]cademic freedom” is “a special concern of the First Amendment” and receives heightened protection. *Keyishian v. Bd. of Regents of Univ. of N.Y.*, 385 U.S. 589, 603 (1967).

112. This freedom protects “not only students and teachers, but their host institutions as well.” *Garcia-Padilla*, 490 F.3d at 8 (citation omitted). As the Supreme Court has recognized, “[a]cademic freedom thrives not only on the independent and uninhibited exchange of ideas among teachers and students, but also . . . on autonomous decisionmaking by the academy itself.” *Regents of Univ. of Mich. v. Ewing*, 474 U.S. 214, 226 n.12 (1985) (citations omitted). Colleges and universities have a constitutionally protected right to “manage an academic community and evaluate teaching and scholarship free from [governmental] interference.” *Blasdel v. Nw. Univ.*, 687 F.3d 813, 816 (7th Cir. 2012) (citation omitted). After all, “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

113. A “funding condition” that seeks to curtail academic freedom can therefore “result in an unconstitutional burden on First Amendment rights.” *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.* (“AID”), 570 U.S. 205, 214 (2013). The Government “may not deny a benefit to a person on a basis that infringes his constitutionally protected interests.” *Perry v. Sindermann*,

408 U.S. 593, 597 (1972). Nor may the Government threaten “a third party ‘to achieve the suppression’ of disfavored speech.” *Vullo*, 602 U.S. at 180-81, 188-91. The Government also cannot mandate its own preferred balance of viewpoints. *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256-58 (1974). “On the spectrum of dangers to free expression, there are few greater than allowing the government to change the speech of private actors in order to achieve its own conception of speech nirvana.” *Moody*, 603 U.S. at 741-42.

114. The Government’s demands on Harvard cut at the core of Harvard’s constitutionally protected academic freedom because they seek to assert governmental control over Harvard’s research, academic programs, community, and governance.<sup>62</sup> And they bear no relation to Harvard’s federal funding. *See AID*, 570 U.S. at 214-15 (Government may not “leverage funding to regulate speech outside the contours of the program itself”). The Government’s demands seek to overhaul Harvard’s governance, control Harvard’s faculty hiring, and dictate what faculty may teach Harvard students. Put simply, the conditions seek to supplant Harvard’s “autonomous decisionmaking.” *Ewing*, 474 U.S. at 226 n.12.

115. Restrictions on Harvard’s programs violate the First Amendment by seeking to restrict what Harvard’s faculty may teach students. *See Garcia-Padilla*, 490 F.3d at 8 (recognizing a “zone of First Amendment protection for the educational process itself” (citation omitted)). The “classroom with its surrounding environs is peculiarly the ‘marketplace of ideas’” that the First Amendment is designed to safeguard. *Healy v. James*, 408 U.S. 169, 180-81 (1972).

116. Restrictions on whom Harvard may hire also violate the First Amendment. It is Harvard’s—not the Government’s—“prerogative ‘to determine for itself on academic grounds

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<sup>62</sup> *See, e.g.*, Eugene Volokh, “*The Trump Administration’s Unconstitutional Hate Mail to Harvard*,” by Prof. Genevieve Lakier (Chicago), Reason (Apr. 6, 2025), <https://perma.cc/K3W6-LB94>.

who may teach,” and this discretion “is an important part of our long tradition of academic freedom.” *Weinstock v. Columbia Univ.*, 224 F.3d 33, 47 (2d Cir. 2000) (citation omitted).

117. Further, the Government’s requirement that Harvard modify its hiring and admissions practices to achieve the Government’s preferred balance of viewpoints in every “department,” “field,” and “teaching unit” (Ex. A at 3-4;<sup>63</sup> *see* Ex. D at 2-3) regulates the “recipient” and is far “outside the scope of the federally funded program[s]” for medical, scientific, and other research, *AID*, 570 U.S. at 218 (citation omitted). Although Harvard recognizes the importance of viewpoint diversity and the need to promote it,<sup>64</sup> the First Amendment makes clear that the authority to achieve that objective rests with the University rather than the Government.

118. Likewise, the Government lacks authority to dictate which student groups Harvard may recognize and fund. The Government “may not interfere with private actors’ speech to advance its own vision of ideological balance.” *Moody*, 603 U.S. at 741.

119. Restrictions on Harvard’s ability to manage its own internal leadership likewise violate the First Amendment because leadership decisions shape how the University speaks and acts. Those decisions are at the core of the “autonomous decisionmaking” and independent management needed to maintain “[a]cademic freedom.” *Ewing*, 474 U.S. at 226 n.12; *see Blasdel*, 687 F.3d at 816 (universities have First Amendment right to “manage an academic community” (citation omitted)).

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<sup>63</sup> *See* @realDonaldTrump, Truth Social (Apr. 16, 2025, 6:05 AM), <https://tinyurl.com/yww6nfw7> (“Harvard has been hiring almost all woke, Radical Left, idiots and ‘birdbrains’ who are only capable of teaching FAILURE to students and so-called ‘future leaders.’”)

<sup>64</sup> Garber, *The Promise of American Higher Education*, *supra* n.2 (“As we defend Harvard, we will continue to . . . broaden the intellectual and viewpoint diversity within our community.”).

120. Defendants’ April 3, April 11, and May 5 Letters target academic content that Harvard professors “teach students.” Ex. P at 3; *see* Ex. A at 3-5; Ex. D at 2-3. That too is unlawful. *E.g., Santa Cruz Lesbian & Gay Cmty. Ctr. v. Trump*, 508 F. Supp. 3d 521, 542-43 (N.D. Cal. 2020) (preliminarily enjoining executive order that “appear[ed] to require universities that accept federal grants to curtail promotion of [certain] concepts through teaching”).

121. Defendants’ freeze and termination of federal funding also violates the First Amendment because it is direct retaliation for Harvard’s April 14 letter and statement refusing to comply with the Government’s demands, as well as Harvard’s protected decision to file this lawsuit. The First Amendment “prohibits government officials from subjecting an [entity] to retaliatory actions for engaging in protected speech.” *Nieves v. Bartlett*, 587 U.S. 391, 398 (2019) (cleaned up). To succeed on a First Amendment retaliation claim, a plaintiff must “prove that (1) [it] engaged in constitutionally protected conduct, (2) [it] was subjected to an adverse action by the defendant, and (3) the protected conduct was a substantial or motivating factor in the adverse action.” *D.B. ex rel. Elizabeth B. v. Esposito*, 675 F.3d 26, 43 (1st Cir. 2012); *see Hartman v. Moore*, 547 U.S. 250, 260-61 (2006) (similar).

122. Harvard engaged in constitutionally protected conduct when it refused to comply with the Government’s demands and announced that decision in its April 14 letter and statement. Just hours later, Defendants subjected Harvard to adverse action by freezing \$2.2 billion in multi-year grants and \$60 million in multi-year contracts previously awarded to Harvard. And then the Government blacklisted Harvard from future awards of federal funding and subsequently terminated existing grants. Harvard’s protected conduct was a substantial and motivating factor for the freeze. In particular, Defendants issued the Freeze Orders *because* Harvard refused to comply with the demands, *because* Harvard issued the April 14 letter and statement, and *because*

Harvard filed this lawsuit. The causal link between Defendants’ retaliatory motive and Defendants’ adverse action is evident from, among other things: the minuscule amount of time that elapsed between Harvard’s April 11 letter and statement and the freeze (only a few hours); Defendants’ striking deviation from the procedures that govern funding suspensions under Title VI (*see infra* Count 3); Defendants’ previous threats to pull funding if Harvard refused to comply with the demands (including on March 31, April 3, and April 11); the decision by the Secretary of Education to prohibit Harvard from receiving any future federal grants; and the termination of that funding without following any of the requisite procedures.

123. Defendants’ Freeze Orders, Termination Letters, and attendant conditions on Harvard’s federal funding trigger strict scrutiny because they seek to leverage Harvard’s federal funding to indirectly infringe Harvard’s constitutionally protected academic freedom.

124. Defendants’ Freeze Orders, Termination Letters, and attendant conditions also trigger strict scrutiny because they are speaker-, content-, and viewpoint-based. The conditions expressly apply to Harvard only; they apply because of the “ideological” conditions at Harvard, Ex. A at 2; Ex. D at 2-3; and they specify exactly how Harvard should exercise its constitutionally protected autonomous decisionmaking. Unless Harvard does exactly what the Government wants in the way the Government wants and achieves the precise balance of viewpoints the Government wants, Harvard stands to lose billions of dollars in federal funding.

125. Where, as here, “the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions.” *FEC v. Cruz*, 596 U.S. 289, 305 (2022) (citation omitted).

126. Defendants cannot reasonably argue that the conditions they seek to impose on Harvard are “the least restrictive means of achieving a compelling [governmental] interest.” *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 607 (2021) (citation omitted).

127. The conditions are overbroad because they seek to impose a massive consequence unless an enormous amount of constitutionally protected academic freedom is curtailed. And that curtailment is not sufficiently related to the Government’s previously-identified concerns about antisemitism.

128. The conditions are also overbroad because Defendants have ignored less restrictive alternatives. For example, the Government has not explained why it could not have worked with Harvard in a voluntary manner, as Title VI and regulations require, prior to freezing or terminating funding entirely. And even if a freeze or termination were warranted, which it is not, the Government has not explained why a more targeted reduction, tailored to the programs and purported discrimination at issue, would have been insufficient to achieve its objectives.

129. The conditions are further overbroad because they will chill a wide swath of protected speech. The “government [cannot] proscribe unprotected [speech] through a regulation that simultaneously encompasses a substantial amount of protected [speech].” *Seals v. McBee*, 898 F.3d 587, 596 (5th Cir. 2018).

130. Harvard also has a reasonable fear that Defendants will terminate or freeze additional federal funding, as they have threatened to do. *See Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 165-66 (2014).

131. For these reasons, this Court should declare Defendants’ actions unlawful and enjoin Defendants from engaging in future terminations, suspensions, or refusals to grant or to continue funding or work pursuant to the Freeze Orders and Termination Letters.

132. Defendants’ actions must be vacated and “set aside” under 5 U.S.C. § 706(2)(B).

133. If Defendants’ actions are not declared unlawful, set aside, and enjoined, Harvard will suffer substantial injury, including irreparable injury.

## **COUNT 2**

### **VIOLATION OF THE FIRST AMENDMENT (EQUITABLE CAUSE OF ACTION — *ULTRA VIRES*)**

134. Harvard incorporates by reference the allegations of the preceding paragraphs.

135. Even if the prerequisites of review under the Administrative Procedure Act were not satisfied, federal courts have the “equitable power[.]” to “enjoin unconstitutional actions by state and federal officers.” *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 327-28 (2015); *see also R.I. Dep’t of Env’t. Mgmt. v. United States*, 304 F.3d 31, 42-43 (1st Cir. 2002) (“district court[s]” retain the “nonstatutory” power “to review agency action that is *ultra vires*” and provide equitable relief unless Congress precludes that review).

136. As alleged in Count 1, Defendants’ demands that Harvard restructure its internal governance, change its hiring and admissions practices, and modify what it teaches its students to align with Defendants’ views, or else lose federal funding, violate the First Amendment. The Constitution forecloses any lawful authority for Defendants’ actions.

137. Because Defendants’ actions in imposing viewpoint-based conditions on Harvard’s funding and terminating funding agreements violate the First Amendment, those actions lack lawful authority. This Court should declare them unconstitutional and *ultra vires*.

138. Because Defendants’ actions are unconstitutional and *ultra vires*, this Court should enjoin Defendants in their official capacities from imposing the Freeze Orders and Termination Letters.

139. If Defendants’ actions are not declared unlawful, set aside, and enjoined as

unconstitutional and *ultra vires*, Harvard will suffer substantial injury, including irreparable injury.

### COUNT 3

#### **IN EXCESS OF STATUTORY AUTHORITY (VIOLATION OF 42 U.S.C. § 2000d-1) (ADMINISTRATIVE PROCEDURE ACT CAUSE OF ACTION)**

140. Harvard incorporates by reference the allegations of the preceding paragraphs.

141. The APA provides that a court must “hold unlawful and set aside” final agency action that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

142. Defendants’ freeze and termination of federal financial assistance constitutes “[a]gency action made reviewable by statute” under 5 U.S.C. § 704 and 42 U.S.C. § 2000d-2.

143. Defendants’ freeze and termination of federal financial assistance constitutes final agency action because it “mark[s] the ‘consummation’ of the . . . decisionmaking process” and “determines” the “rights [and] obligations” of parties and is backed by “legal consequences.” *Bennett*, 520 U.S. at 177-78 (citations omitted).

144. Defendants imposed the freeze and termination of federal financial assistance because of alleged antisemitism on Harvard’s campus. Antisemitism at Harvard was the reason given by the federal Government in the March 31, April 3, and April 11 Letters, and in the April 14 Freeze Order. *See* Ex. M at 2, Ex. P at 2, Ex. A at 2, 4. The May 5 Freeze Order and Termination Letters echoed these same concerns. *See, e.g.*, Ex. D at 2-3; Ex. E at 2-3; Ex. F at 2; Ex. G at 2; Ex. H at 2, Ex. I at 2.

145. This basis for freezing or terminating federal financial assistance falls within Title VI. Title VI prohibits discrimination on the basis of “race, color, or national origin” in programs and activities receiving federal financial assistance. 42 U.S.C. § 2000d. Both the judicial and executive branches have interpreted discrimination against Jews as discrimination based on race



or shared ancestry covered under Title VI. *See, e.g., Bachman v. St. Monica's Congregation*, 902 F.2d 1259, 1261 (7th Cir. 1990); Exec. Order No. 13,899, 84 Fed. Reg. 68,779 (Dec. 11, 2019) (“It shall be the policy of the executive branch to enforce Title VI against prohibited forms of discrimination rooted in anti-Semitism.”).

146. Title VI delineates specific procedures that an agency must follow to “terminat[e] . . . or refus[e] to grant or to continue assistance” based upon alleged violations of Title VI. 42 U.S.C. § 2000d-1. Defendants have ordered the freeze or termination of Harvard’s federal financial assistance without following these mandatory procedures.

147. Defendants did not advise Harvard of any failure to comply with a requirement imposed by Section 2000d-1.

148. Defendants did not provide Harvard with any opportunity to comply by voluntary means before freezing and terminating federal financial assistance.

149. Defendants did not afford Harvard an opportunity for a hearing before freezing and terminating federal financial assistance.

150. Defendants did not make an express finding on the record after any such hearing before freezing and terminating federal financial assistance.

151. Defendants did not submit a written report to the appropriate House and Senate committees thirty days before freezing and terminating federal financial assistance.

152. Rather, Defendants are purporting to immediately freeze current and future funds. That is, whereas Congress specified that Defendants must follow the delineated statutory procedures *first* and freeze or terminate federal financial assistance *after* (and then only as a last resort), here Defendants have done the precise opposite: they issued the Freeze Orders (with no process or opportunity for voluntary compliance) and used those freezes and subsequent

terminations as leverage to negotiate. Such action is flatly unlawful and contrary to statutory authority.

153. What is more, Title VI does not permit wholesale freezing of a recipient's federal financial assistance. Instead, it requires that a "refusal to grant or to continue assistance" be "limited in its effect to the *particular* program, or part thereof, *in which . . . noncompliance has been so found.*" *Id.* (emphasis added). Defendants have made no finding of Title VI noncompliance within the various research programs that are subject to the Freeze Orders and Termination Letters.

154. Further, Defendants' actions offer no explanation of how any alleged violation is connected to the remedy chosen by the government. That explanation is necessary to determine whether the freezes and terminations affected only particular programs or parts of programs where alleged violations purportedly exist.

155. Defendants' April 3 Letter also mentioned unspecified "alleged violations of . . . Title VII of the Civil Rights Act of 1964." Ex. P at 2. But Title VII does not authorize administrative enforcement through a funding freeze. And Defendants do not have the requisite authority to enforce Title VII here. Instead, Title VII establishes a judicial enforcement scheme centered on the Equal Employment Opportunity Commission and the courts. *See* 42 U.S.C. § 2000e-5(f)-(g).

156. For these reasons, this Court should declare that Defendants' actions are "in excess of statutory jurisdiction, authority, or limitations," 5 U.S.C. § 706(2)(C); set those actions aside; and enjoin Defendants and their agents, employees, and all persons acting under their direction or control from taking any action as to Harvard, including by terminating, freezing, or refusing to grant or to continue Harvard's federal financial assistance.

157. In the alternative, the Court should postpone the effective date of the freeze. *See* 5 U.S.C. § 705.

158. If Defendants’ actions are not declared unlawful, set aside, and enjoined, Harvard will suffer substantial irreparable injury.

#### COUNT 4

##### **FAILURE TO FOLLOW DEFENDANTS’ OWN REGULATORY PROCEDURES (ADMINISTRATIVE PROCEDURE ACT CAUSE OF ACTION)**

159. Harvard incorporates by reference the allegations of the preceding paragraphs.

160. The APA requires this Court to hold unlawful and set aside final agency action that is “not in accordance with law,” 5 U.S.C. § 706(2)(A), or that is “without observance of procedure required by law,” *id.* § 706(2)(D).

161. Defendants’ freeze and termination of federal financial assistance constitutes “[a]gency action made reviewable by statute” under 5 U.S.C. § 704 and 42 U.S.C. § 2000d-2.

162. Defendants’ freeze and termination of federal financial assistance constitutes final agency action because it “mark[s] the ‘consummation’ of the . . . decisionmaking process” and “determines” the “rights [and] obligations” of parties and is backed by “legal consequences.” *Bennett*, 520 U.S. at 177-78 (citations omitted).

163. An agency “must abide by its own regulations.” *Fort Stewart Schs. v. Fed. Labor Rels. Auth.*, 495 U.S. 641, 654 (1990) (citing *Vitarelli v. Seaton*, 359 U.S. 535, 547 (1959)).

164. Defendants’ regulations require them to follow specific procedures for freezing or terminating federal financial assistance based on alleged violations of Title VI. *E.g.*, 45 C.F.R. § 80.2 (HHS and NIH); 45 C.F.R. § 611.1 (NSF); 32 C.F.R. § 195.1 (DoD); 10 C.F.R. § 1040.1 (Energy); 34 C.F.R. § 100.2 (Education); 41 C.F.R. § 101-6.203 (GSA); 28 C.F.R. § 42.103 (DOJ); 14 C.F.R. § 1250.101 (NASA); 24 C.F.R. § 1.8 (HUD); 7 C.F.R. § 15.8 (USDA).

165. Defendants failed to comply with their own regulations before freezing and terminating Harvard's federal financial assistance.

166. Defendants' regulations require them to provide notice before freezing or terminating federal financial assistance based on alleged violations of Title VI. *E.g.*, 45 C.F.R. § 80.8(c) (HHS and NIH); 45 C.F.R. § 611.8(c)(1) (NSF); 32 C.F.R. § 195.9(c) (DoD); 10 C.F.R. § 1040.89-9(c)(1) (Energy); 34 C.F.R. § 100.8(c) (Education); 41 C.F.R. § 101-6.211-3 (GSA); 28 C.F.R. § 42.108(c)(1) (DOJ); 14 C.F.R. § 1250.107(c) (NASA); 24 C.F.R. § 1.8(c)(1) (HUD); 7 C.F.R. § 15.8(c)(1) (USDA).

167. Defendants did not provide the required notice to Harvard before freezing and terminating Harvard's federal financial assistance.

168. Defendants' regulations require them to attempt to secure compliance "by voluntary means" before freezing or terminating federal financial assistance based on alleged violations of Title VI. *E.g.*, 45 C.F.R. § 80.8(c) (HHS and NIH); 45 C.F.R. § 611.8(c)(1) (NSF); 32 C.F.R. § 195.9(c) (DoD); 34 C.F.R. § 100.8(c) (Education); 41 C.F.R. § 101-6.211-3 (GSA); 28 C.F.R. § 42.108(c)(1) (DOJ); 14 C.F.R. § 1250.107(c) (NASA); 24 C.F.R. § 1.8(c)(1) (HUD); 7 C.F.R. § 15.8(c)(1) (USDA); *see* 10 C.F.R. § 1040.89-9(c)(1) (Energy) (similar).

169. Defendants did not lawfully attempt to secure compliance by voluntary means before freezing and terminating Harvard's federal financial assistance.

170. Defendants' regulations require them to provide an "opportunity for hearing" before freezing or terminating federal financial assistance based on alleged violations of Title VI. *E.g.*, 45 C.F.R. § 80.8(c) (HHS and NIH); 45 C.F.R. § 611.8(c)(2) (NSF); 34 C.F.R. § 100.8(c) (Education); 41 C.F.R. § 101-6.211-3 (GSA); 28 C.F.R. § 42.108(c)(2) (DOJ); 14 C.F.R. § 1250.107(c) (NASA); 24 C.F.R. § 1.8(c)(2) (HUD); 7 C.F.R. § 15.8(c)(2) (USDA); *see* 32 C.F.R.

§ 195.9(c) (DoD) (“opportunity for a hearing”); 10 C.F.R. § 1040.89-9(a)(1) (Energy) (same). Defendants’ regulations require them to hold hearings before a specific agency official or a “hearing examiner” in accordance with specific, formal procedures that Defendants have promulgated. 45 C.F.R. § 80.9(b) (HHS and NIH); 45 C.F.R. § 611.9(b) (NSF); 34 C.F.R. § 100.9(b) (Education); 32 C.F.R. § 195.10(b) (DoD); 28 C.F.R. § 42.109(b) (DOJ); 14 C.F.R. § 1250.108(b) (NASA); 7 C.F.R. § 15.9(d) (USDA); *see* 10 C.F.R. §§ 1040.121 to 1040.124 (listing Energy’s procedures); 41 C.F.R. §§ 101-6.212-1 to 101-6.212-5 (listing GSA’s procedures); 24 C.F.R. § 180.100-805 (listing HUD’s procedures).

171. Defendants did not provide Harvard an opportunity for a hearing before freezing and terminating Harvard’s federal financial assistance, nor did they comply with any of the formal procedural requirements for such a hearing set out in their regulations.

172. Defendants’ regulations require them to make “an express finding on the record” before freezing or terminating Harvard’s federal financial assistance based on alleged violations of Title VI. *E.g.*, 45 C.F.R. § 80.8(c) (HHS and NIH); 45 C.F.R. § 611.8(c)(2) (NSF); 10 C.F.R. § 1040.114(c) (Energy); 34 C.F.R. § 100.8(c) (Education); 41 C.F.R. § 101-6.211-3 (GSA); 28 C.F.R. § 42.108(c)(2) (DOJ); 14 C.F.R. § 1250.107(c) (NASA); 24 C.F.R. § 1.8(c)(2) (HUD); 7 C.F.R. § 15.8(c)(2) (USDA); *see* 32 C.F.R. § 195.9(c) (DoD) (similar).

173. Defendants did not make express findings on the record before freezing and terminating Harvard’s federal financial assistance.

174. Defendants’ regulations require them to “file[] with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action” before freezing or terminating Harvard’s federal financial assistance based on alleged violations of Title VI. *E.g.*, 45 C.F.R.

§ 80.8(c) (HHS and NIH); 34 C.F.R. § 100.8(c) (Education); 41 C.F.R. § 101-6.211-3 (GSA); 32 C.F.R. § 195.9(c) (DoD); 28 C.F.R. § 42.108(c)(4) (DOJ); 14 C.F.R. § 1250.107(c) (NASA); 24 C.F.R. § 1.8(c)(4) (HUD); 7 C.F.R. § 15.8(c)(4) (USDA); *see* 45 C.F.R. § 611.8(c)(4) (NSF) (similar); 10 C.F.R. § 1040.114(e) (Energy) (similar).

175. Defendants did not file full written reports in the House and Senate before freezing and terminating Harvard’s federal financial assistance based on alleged violations of Title VI.

176. Defendants’ regulations prohibit them from freezing or terminating federal financial assistance based on alleged violations of Title VI at any time before “the expiration of 30 days after” filing reports in the House and Senate. *E.g.*, 45 C.F.R. § 80.8(c) (HHS and NIH); 32 C.F.R. § 195.9(c) (DoD); 10 C.F.R. § 1040.114(e) (Energy); 34 C.F.R. § 100.8(c) (Education); 41 C.F.R. § 101-6.211-3 (GSA); 28 C.F.R. § 42.108(c)(4) (DOJ); 14 C.F.R. § 1250.107(c) (NASA); 24 C.F.R. § 1.8(c)(4) (HUD); 7 C.F.R. § 15.8(c)(4) (USDA); *see* 45 C.F.R. § 611.8(c) (NSF) (similar).

177. Defendants froze and terminated Harvard’s federal financial assistance before the expiration of 30 days after filing reports in the House and Senate.

178. Defendants’ regulations require that any freeze or termination of federal financial assistance based on alleged violations of Title VI “shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.” *E.g.*, 45 C.F.R. § 80.8(c) (HHS and NIH); 45 C.F.R. § 611.8(c) (NSF); 32 C.F.R. § 195.9(c) (DoD); 34 C.F.R. § 100.8(c) (Education); 41 C.F.R. § 101-6.211-3 (GSA); 28 C.F.R. § 42.108(c) (DOJ); 14 C.F.R. § 1250.107(c) (NASA); 24 C.F.R. § 1.8(c)(4) (HUD); 7 C.F.R. § 15.8(c)(4) (USDA); *see* 10 C.F.R. § 1040.114(e) (Energy) (similar).

179. Defendants froze and terminated Harvard’s federal financial assistance without limiting the effect of this action to any particular program or part thereof.

180. Defendants’ regulations require them to follow specific procedures if they seek to “effect compliance” with Title VI using “any other means authorized by law.” 45 C.F.R. § 80.8(d) (HHS and NIH); 45 C.F.R. § 611.8(d) (NSF); 10 C.F.R. § 1040.115 (Energy); 34 C.F.R. § 100.8(d) (Education); 28 C.F.R. § 42.108(d) (DOJ); 14 C.F.R. § 1250.107(d) (NASA); 24 C.F.R. § 1.8(d) (HUD); 7 C.F.R. § 15.8(d) (USDA); *see* 32 C.F.R. § 195.9(d) (DoD) (similar); 41 C.F.R. § 101-6.211-4 (GSA) (similar).

181. Defendants did not attempt to effect compliance with Title VI using any means other than immediately freezing and terminating Harvard’s federal financial assistance.

182. Instead, Defendants sought to “effect compliance” with Title VI only by “means” of freezes (and corresponding termination of federal financial assistance). Because they did so, their own regulations require them to follow all of the procedures just discussed—including voluntary compliance, notice, hearing, findings on the record, and a report to Congress. *E.g.*, 45 C.F.R. § 80.8 (HHS and NIH); 45 C.F.R. § 611.8 (NSF); 32 C.F.R. § 195.9 (DoD); 10 C.F.R. §§ 1040.89-9, 1040.114 to.115 (Energy); 34 C.F.R. § 100.8 (Education); 41 C.F.R. §§ 101-6.211-3 to -4 (GSA); 28 C.F.R. § 42.108 (DOJ); 14 C.F.R. § 1250.107 (NASA); 24 C.F.R. § 1.8 (HUD); 7 C.F.R. § 15.8 (USDA).

183. Even if Defendants had attempted to “effect compliance” with Title VI using “other means authorized by law,” Defendants failed to comply with the specific procedures that their own regulations require in connection with those “other means.” 45 C.F.R. § 80.8(d) (HHS and NIH); 45 C.F.R. § 611.8(d) (NSF); 32 C.F.R. § 195.9(d) (DoD); 10 C.F.R. § 1040.115 (Energy); 34 C.F.R. § 100.8(d) (Education); 28 C.F.R. § 42.108(d) (DOJ); 14 C.F.R. § 1250.107(d) (NASA);

24 C.F.R. § 1.8(d) (HUD); 7 C.F.R. § 15.8(d) (USDA); *see* 41 C.F.R. § 101-6.211-4 (GSA) (similar).

184. Specifically, Defendants failed to attempt to secure compliance by “voluntary means,” failed to notify Harvard “of its failure to comply and of the action to be taken,” took action before “the expiration of at least 10 days from the mailing of such notice,” and failed to make “additional efforts . . . to persuade [Harvard] to comply with the regulation and to take such corrective action as may be appropriate.” 45 C.F.R. § 80.8(d) (HHS and NIH); *see* 45 C.F.R. § 611.8(d) (NSF) (similar); 32 C.F.R. § 195.9(d) (DoD) (similar); 10 C.F.R. § 1040.115 (Energy) (similar); 34 C.F.R. § 100.8(d) (Education) (similar); 41 C.F.R. § 101-6.211-4 (GSA) (similar); 28 C.F.R. § 42.108(d) (DOJ) (similar); 14 C.F.R. § 1250.107(d) (NASA) (similar); 24 C.F.R. § 1.8(d) (HUD) (similar); 7 C.F.R. § 15.8(d) (USDA) (similar).

185. The March 31, April 3, April 11, May 5, May 6, May 9, and May 12 Letters do not constitute efforts at voluntary compliance. Not one of the letters identified a Title VI violation or a specific measure Harvard could take to rectify the alleged violation.

186. Defendants’ actions also further violate the Uniform Guidance, 2 C.F.R. § 200.305(b)(3), (6), as implemented by the relevant agencies. For example, HHS regulations implementing the Uniform Guidance require payment under active grants within 30 days. 2 C.F.R. § 200.305(b)(3); 45 C.F.R. § 75.305(b)(3). Delay is permissible only under certain circumstances delineated in the applicable regulations and only after notice and an opportunity to cure. 2 C.F.R. § 200.305(b)(6); 45 C.F.R. § 75.207; 45 C.F.R. § 75.305(b)(6). Defendants have provided no notice and no opportunity to cure.

187. The May 6 NIH Termination Letter, May 12 Energy Termination Letter, May 12 DoD Termination Letter, and May 12 HUD Termination Letter invoked 2 C.F.R. § 200.340(a)(4)



and stated that Harvard’s “awards no longer effectuate agency priorities.” Ex. E at 2; Ex. G at 2; Ex. H at 2; Ex. J at 2. The May 9 USDA Letter and May 12 NSF letter similarly purported to cancel Harvard’s grant awards because they “no longer effectuate agency priorities,” Ex. F at 2, and because “they are not in alignment with current NSF priorities and/or programmatic goals.” Ex. I at 2. But the letters purported to terminate some grants to which that provision does not apply. Defendants have not articulated any change in agency priorities justifying wholesale termination of Harvard’s award across every subject matter and area of research.

188. That provision does not authorize an end-run around Title VI, or related regulations for enforcing Title VI’s requirements, which provide a far more specific set of procedures. In their termination letters, Defendants cited “antisemitic action” on campus and “the University’s unwillingness to take corrective action or implement necessary reforms” as the basis for terminating federal financial assistance. Ex. E at 3; Ex. F at 2; *see* Ex. G at 2 (similar); Ex. H at 2 (similar); Ex. I at 2 (similar). But Defendants did not identify Title VI violations or follow the relevant statutory and regulatory procedures for Title VI enforcement.

189. Instead, Defendants’ invocations of 2 C.F.R. § 200.340(a)(4) are post-hoc rationalizations for Defendants’ earlier failure to follow Title VI procedures and regulations before freezing Harvard’s federal financial assistance.

190. Defendants’ actions must be declared unlawful, vacated and “set aside” under 5 U.S.C. § 706(2)(A) and (D), and enjoined.

191. In the alternative, the Court should postpone the effective date of the freezes and terminations. *See* 5 U.S.C. § 705.

192. If Defendants’ actions are not declared unlawful, set aside, and enjoined, Harvard will suffer substantial injury, including irreparable injury.

**COUNT 5**

**ARBITRARY AND CAPRICIOUS AGENCY ACTION  
(ADMINISTRATIVE PROCEDURE ACT CAUSE OF ACTION)**

193. Harvard incorporates by reference the allegations of the preceding paragraphs.

194. The APA requires this Court to hold unlawful and set aside any final agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

195. Defendants’ freeze and termination of federal financial assistance constitutes “[a]gency action made reviewable by statute” under 5 U.S.C. § 704 and 42 U.S.C. § 2000d-2.

196. Defendants’ freeze and termination of federal financial assistance constitutes final agency action because it “mark[s] the ‘consummation’ of the . . . decisionmaking process” and “determines” the “rights [and] obligations” of parties and is backed by “legal consequences.” *Bennett*, 520 U.S. at 177-78 (citations omitted).

197. Defendants’ actions are arbitrary and capricious because they are neither “reasonable [nor] reasonably explained.” *Ohio v. EPA*, 603 U.S. 279, 292 (2024) (citation omitted). They are not the product of “reasoned decisionmaking.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 52 (1983).

198. Defendants’ actions “entirely fail[] to consider . . . important aspect[s] of the problem.” *Id.* at 43; *see also DHS v. Regents of the Univ. of Calif.*, 591 U.S. 1, 30 (2020). They ignore the significant consequences the freezes and terminations will have on researchers, the University, and the public.

199. Defendants’ actions are arbitrary and capricious because Defendants failed to “articulate a satisfactory explanation for [their] action[s]” and demonstrated no “rational connection between the facts found and the choice made.” *State Farm*, 463 U.S. at 43 (citation

omitted). Defendants have articulated no rational nexus between combatting antisemitism and the medical, scientific, and other research funding at hand. Defendants' actions are unreasoned and unexplained.

200. Defendants' actions are also arbitrary and capricious because they neglected to "take[] into account" the "serious reliance interests" that the awards of funding "engendered." *Regents of the Univ. of Calif.*, 591 U.S. at 30 (quoting *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016)). For decades, Harvard has relied on the well-established process for federal financial assistance in its budgeting and financial planning, including with respect to staffing, infrastructure, facility and equipment purchases, and long-term investment decisions.

201. Defendants' actions are also arbitrary and capricious because they failed to consider reasonable, obvious alternatives to an *en masse* freezes and terminations of Harvard's federal financial assistance. *See Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 746 n.36 (D.C. Cir. 1986).

202. Defendants' Termination Letters constitute an invalid post hoc rationalization. *See Am. Textile Mfrs. Inst., Inc. v. Donovan*, 452 U.S. 490, 539 (1981) ("[T]he *post hoc* rationalizations of the agency or the parties to this litigation cannot serve as a sufficient predicate for agency action.").

203. For these reasons and others, Defendants' actions must be declared unlawful; vacated and "set aside" as "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," 5 U.S.C. § 706(2)(A); and enjoined.

204. In the alternative, the Court should postpone the effective dates of the freezes and terminations. *See* 5 U.S.C. § 705.

205. If Defendants’ actions are not declared unlawful, set aside, and enjoined, Harvard will suffer substantial injury, including irreparable injury.

## COUNT 6

### VIOLATION OF STATUTORY AND CONSTITUTIONAL AUTHORITY (EQUITABLE CAUSE OF ACTION — *ULTRA VIRES*)

206. Harvard incorporates by reference the allegations of the preceding paragraphs.

207. “The ability to sue to enjoin unconstitutional actions by state and federal officers is the creation of courts of equity, and reflects a long history of judicial review of illegal executive action, tracing back to England.” *Armstrong*, 575 U.S. at 327. Accordingly, even if the prerequisites of review under the APA were not satisfied, federal “district court[s]” retain the “nonstatutory” power “to review agency action that is *ultra vires*” and provide equitable relief unless Congress precludes that review. *R.I. Dep’t of Env’t Mgmt.*, 304 F.3d at 42-43. Congress has not precluded non-statutory judicial review of this agency action.

208. As alleged in Count 3, Defendants have no statutory authority to make an end run around the procedures mandated by Congress in Title VI.

209. Defendants also cannot rely on any inherent constitutional authority under Article II of the Constitution to terminate or freeze Harvard’s research funding.

210. Congress has appropriated funds to support research through federal funding administered by NIH, NSF, NASA, and other agencies. *See, e.g.*, Further Consolidated Appropriations Act, Pub. L. No. 118-47, 138 Stat. 460, 656-60 (2024) (appropriating funds for NIH research); Consolidated Appropriations Act, Pub. L. 118-42, 138 Stat. 25, 157-63 (2024) (appropriating funds for NSF and NASA research). Because Defendants do not have any inherent authority to terminate or freeze appropriated federal funding to Harvard other than through specified procedures, this Court should declare that their actions are *ultra vires*.

211. Defendants also lack any legal basis to prohibit Harvard from seeking future grant funding. Harvard has a protected liberty interest in its reputation as a responsible grant recipient, and Defendants cannot revoke that interest without affording Harvard even “the slightest opportunity to respond to those charges.” *Old Dominion Dairy Prods., Inc. v. Sec’y of Def.*, 631 F.2d 953, 964 (D.C. Cir. 1980). Defendants’ actions are therefore *ultra vires* in contravention of Harvard’s right to due process.

212. Because Defendants’ actions are *ultra vires*, this Court should enjoin Defendants in their official capacities as federal officers from enforcing the freezes and terminations.

213. If Defendants’ actions are not declared unlawful, set aside, and enjoined as *ultra vires*, Harvard will suffer substantial, irreparable injury.

### **PRAYER FOR RELIEF**

For these reasons, Plaintiff respectfully requests an order:

- a. expediting the resolution of this action to prevent further harm to Plaintiff;
- b. declaring unlawful Defendants’ Freeze Orders, Termination Letters, and attendant unconstitutional conditions in the April 3, April 11, May 5, May 6, May 9, and May 12 Letters, as well as any terminations of, freezes of, or refusals to grant or to continue federal funding undertaken pursuant to those agency actions;
- c. vacating and setting aside Defendants’ Freeze Orders, Termination Letters, and attendant unconstitutional conditions in the April 3, April 11, May 5, May 6, May 9, and May 12 Letters, as well as any terminations of, freezes of, or refusals to grant or to continue federal funding undertaken pursuant to those agency actions;
- d. postponing the effectiveness of the Freeze Orders, Termination Letters, and attendant unconstitutional conditions in the April 3, April 11, May 5, May 6, May

- 9, and May 12 Letters, as well as any terminations of, freezes of, or refusals to grant or to continue federal funding undertaken pursuant to those agency actions;
- e. permanently enjoining Defendants, their agents, and all persons acting in concert or participation with Defendants from implementing, maintaining, or in any way giving effect to the Freeze Orders, Termination Letters, and attendant unconstitutional conditions in the April 3, April 11, May 5, May 6, May 9, and May 12 Letters, as well as any terminations of, freezes of, or refusals to grant or to continue federal funding undertaken pursuant to those agency actions;
  - f. permanently enjoining Defendants from violating Plaintiff's First Amendment rights;
  - g. permanently enjoining Defendants from terminating, freezing, or refusing to grant or to continue any federal funding at issue in this case without complying with federal law, including the requirements of Title VI and agency regulations;
  - h. entering judgment in favor of Plaintiff;
  - i. awarding Plaintiff its reasonable costs and attorney's fees in accordance with law, including but not limited to 42 U.S.C. § 1988; and
  - j. issuing any and all other such relief as the Court deems just and proper.

Dated: May 13, 2025

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Respectfully submitted,

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*\*Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

Counsel for Plaintiff certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiff hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Steven P. Lehotsky  
Steven P. Lehotsky



# **EXHIBIT A**



April 11, 2025

Dr. Alan M. Garber  
President  
Harvard University  
Office of the President  
Massachusetts Hall  
Cambridge, MA 02138

Penny Pritzker  
Lead Member, Harvard Corporation  
Harvard Corporation  
Massachusetts Hall  
Cambridge, MA 02138

Dear Dr. Garber:

The United States has invested in Harvard University's operations because of the value to the country of scholarly discovery and academic excellence. But an investment is not an entitlement. It depends on Harvard upholding federal civil rights laws, and it only makes sense if Harvard fosters the kind of environment that produces intellectual creativity and scholarly rigor, both of which are antithetical to ideological capture.

Harvard has in recent years failed to live up to both the intellectual and civil rights conditions that justify federal investment. But we appreciate your expression of commitment to repairing those failures and welcome your collaboration in restoring the University to its promise. We therefore present the below provisions as the basis for an agreement in principle that will maintain Harvard's financial relationship with the federal government.

If acceptable to Harvard, this document will constitute an agreement in principle, which the parties will work in good faith to translate into a more thorough, binding settlement agreement. As you will see, this letter incorporates and supersedes the terms of the federal government's prior letter of April 3, 2025.

- **Governance and leadership reforms.** By August 2025, Harvard must make meaningful governance reform and restructuring to make possible major change consistent with this letter, including: fostering clear lines of authority and accountability; empowering tenured professors and senior leadership, and, from among the tenured professoriate and senior leadership, exclusively those most devoted to the scholarly mission of the University and committed to the changes indicated in this letter; reducing the power held by students and untenured faculty; reducing the power held by faculty (whether tenured or untenured) and administrators more committed to activism than scholarship; and reducing forms of

governance bloat, duplication, or decentralization that interfere with the possibility of the reforms indicated in this letter.

- **Merit-Based Hiring Reform.** By August 2025, the University must adopt and implement merit-based hiring policies, and cease all preferences based on race, color, religion, sex, or national origin throughout its hiring, promotion, compensation, and related practices among faculty, staff, and leadership. Such adoption and implementation must be durable and demonstrated through structural and personnel changes. All existing and prospective faculty shall be reviewed for plagiarism and Harvard's plagiarism policy consistently enforced. All hiring and related data shall be shared with the federal government and subjected to a comprehensive audit by the federal government during the period in which reforms are being implemented, which shall be at least until the end of 2028.
- **Merit-Based Admissions Reform.** By August 2025, the University must adopt and implement merit-based admissions policies and cease all preferences based on race, color, national origin, or proxies thereof, throughout its undergraduate program, each graduate program individually, each of its professional schools, and other programs. Such adoption and implementation must be durable and demonstrated through structural and personnel changes. All admissions data shall be shared with the federal government and subjected to a comprehensive audit by the federal government—and non-individualized, statistical information regarding admissions shall be made available to the public, including information about rejected and admitted students broken down by race, color, national origin, grade point average, and performance on standardized tests—during the period in which reforms are being implemented, which shall be at least until the end of 2028. During this same period, the dean of admissions for each program or school must sign a public statement after each admissions cycle certifying that these rules have been upheld.
- **International Admissions Reform.** By August 2025, the University must reform its recruitment, screening, and admissions of international students to prevent admitting students hostile to the American values and institutions inscribed in the U.S. Constitution and Declaration of Independence, including students supportive of terrorism or anti-Semitism. Harvard will immediately report to federal authorities, including the Department of Homeland Security and State Department, any foreign student, including those on visas and with green cards, who commits a conduct violation. As above, these reforms must be durable and demonstrated through structural and personnel changes; comprehensive throughout all of Harvard's programs; and, during the reform period, shared with the federal government for audit, shared on a non-individualized basis with the public, and certified by deans of admissions.
- **Viewpoint Diversity in Admissions and Hiring.** By August 2025, the University shall commission an external party, which shall satisfy the federal government as to its competence and good faith, to audit the student body, faculty, staff, and leadership for viewpoint diversity, such that each department, field, or teaching unit must be individually viewpoint diverse. This audit shall begin no later than the summer of 2025 and shall proceed on a department-by-department, field-by-field, or teaching-unit-by-teaching-unit basis as appropriate. The report of the external party shall be submitted to University leadership and

the federal government no later than the end of 2025. Harvard must abolish all criteria, preferences, and practices, whether mandatory or optional, throughout its admissions and hiring practices, that function as ideological litmus tests. Every department or field found to lack viewpoint diversity must be reformed by hiring a critical mass of new faculty within that department or field who will provide viewpoint diversity; every teaching unit found to lack viewpoint diversity must be reformed by admitting a critical mass of students who will provide viewpoint diversity. If the review finds that the existing faculty in the relevant department or field are not capable of hiring for viewpoint diversity, or that the relevant teaching unit is not capable of admitting a critical mass of students with diverse viewpoints, hiring or admissions within that department, field, or teaching unit shall be transferred to the closest cognate department, field, or teaching unit that is capable of achieving viewpoint diversity. This audit shall be performed and the same steps taken to establish viewpoint diversity every year during the period in which reforms are being implemented, which shall be at least until the end of 2028.

- **Reforming Programs with Egregious Records of Antisemitism or Other Bias.** By August 2025, the University shall commission an external party, which shall satisfy the federal government as to its competence and good faith, to audit those programs and departments that most fuel antisemitic harassment or reflect ideological capture.
  - The programs, schools, and centers of concern include but are not limited to the Divinity School, Graduate School of Education, School of Public Health, Medical School, Religion and Public Life Program, FXB Center for Health & Human Rights, Center for Middle Eastern Studies, Carr Center for Human Rights at the Harvard Kennedy School, Department of Near Eastern Languages and Cultures, and the Harvard Law School International Human Rights Clinic.
  - The report of the external party shall include information as to individual faculty members who discriminated against Jewish or Israeli students or incited students to violate Harvard's rules following October 7, and the University and federal government will cooperate to determine appropriate sanctions for those faculty members within the bounds of academic freedom and the First Amendment.
  - The report of the external party shall be submitted to University leadership and the federal government no later than the end of 2025 and reforms undertaken to repair the problems. This audit shall be performed and the same steps taken to make repairs every year during the period in which reforms are being implemented, which shall be at least until the end of 2028.
- **Discontinuation of DEI.** The University must immediately shutter all diversity, equity, and inclusion (DEI) programs, offices, committees, positions, and initiatives, under whatever name, and stop all DEI-based policies, including DEI-based disciplinary or speech control policies, under whatever name; demonstrate that it has done so to the satisfaction of the federal government; and demonstrate to the satisfaction of the federal government that these reforms are durable and effective through structural and personnel changes. By August

2025, the University must submit to the government a report—certified for accuracy—that confirms these reforms.

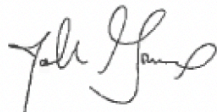
- **Student Discipline Reform and Accountability.** Harvard must immediately reform its student discipline policies and procedures so as to swiftly and transparently enforce its existing disciplinary policies with consistency and impartiality, and without double standards based on identity or ideology. Where those policies are insufficient to prevent the disruption of scholarship, classroom learning and teaching, or other aspects of normal campus life, Harvard must develop and implement disciplinary policies sufficient to prevent those disruptions. This includes but is not limited to the following:
  - Discipline at Harvard must include immediate intervention and stoppage of disruptions or deplatforming, including by the Harvard police when necessary to stop a disruption or deplatforming; robust enforcement and reinstatement of existing time, place, and manner rules on campus, including ordering the Harvard police to stop incidents that violate time, place, and manner rules when necessary; a disciplinary process housed in one body that is accountable to Harvard's president or other capstone official; and removing or reforming institutional bodies and practices that delay and obstruct enforcement, including the relevant Administrative Boards and FAS Faculty Council.
  - Harvard must adopt a new policy on student groups or clubs that forbids the recognition and funding of, or provision of accommodations to, any student group or club that endorses or promotes criminal activity, illegal violence, or illegal harassment; invites non-students onto campus who regularly violate campus rules; or acts as a front for a student club that has been banned from campus. The leaders or organizers of recognized and unrecognized student groups that violate these policies must be held accountable as a matter of student discipline and made ineligible to serve as officers in other recognized student organizations. In the future, funding decisions for student groups or clubs must be made exclusively by a body of University faculty accountable to senior University leadership. In particular, Harvard must end support and recognition of those student groups or clubs that engaged in anti-Semitic activity since October 7th, 2023, including the Harvard Palestine Solidarity Committee, Harvard Graduates Students 4 Palestine, Law Students 4 Palestine, Students for Justice in Palestine, and the National Lawyers Guild, and discipline and render ineligible the officers and active members of those student organizations.
  - Harvard must implement a comprehensive mask ban with serious and immediate penalties for violation, not less than suspension.
  - Harvard must investigate and carry out meaningful discipline for all violations that occurred during the 2023-2024 and 2024-2025 academic years, including the Harvard Business School protest of October 2023, the University Hall sit-in of November 2023, and the spring encampment of 2024. This must include permanently expelling the students involved in the October 18 assault of an Israeli

Harvard Business School student, and suspending students involved in occupying university buildings, as warranted by the facts of individual cases.

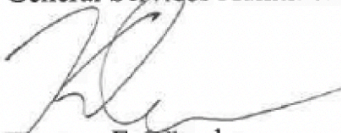
- o The Harvard president and police chief must publicly clarify that the Harvard University Police Department will enforce University rules and the law. Harvard must also commit to cooperating in good faith with law enforcement.
- **Whistleblower Reporting and Protections.** The University must immediately establish procedures by which any Harvard affiliate can report noncompliance with the reforms detailed in this letter to both university leadership and the federal government. Any such reporter shall be fully protected from any adverse actions for so reporting.
- **Transparency and Monitoring.** The University shall make organizational changes to ensure full transparency and cooperation with all federal regulators. No later than June 30, 2025, and every quarter thereafter during the period in which reforms are being implemented, which shall be at least until the end of 2028, the University shall submit to the federal government a report—certified for accuracy—that documents its progress on the implementation of the reforms detailed in this letter. The University must also, to the satisfaction of the federal government, disclose the source and purpose of all foreign funds; cooperate with the federal government in a forensic audit of foreign funding sources and uses, including how that money was used by Harvard, its agents, and, to the extent available, third parties acting on Harvard's campus; report all requested immigration and related information to the United States Department of Homeland Security; and comply with all requirements relating to the SEVIS system.

We expect your immediate cooperation in implementing these critical reforms that will enable Harvard to return to its original mission of innovative research and academic excellence.

Sincerely,



Josh Gruenbaum  
Comm'r of the Fed. Acquisition Serv.  
General Services Administration



Thomas E. Wheeler  
Acting General Counsel  
U.S. Dept. of Education



Sean R. Keveney  
Acting General Counsel  
U.S. Dep't Health & Human Servs.

# **EXHIBIT B**



KING & SPALDING

April 14, 2025

**VIA ELECTRONIC MAIL**

Josh Gruenbaum  
Commissioner of the Federal Acquisition Service  
General Services Administration

Sean R. Keveney  
Acting General Counsel  
U.S. Department of Health & Human Services

Thomas E. Wheeler  
Acting General Counsel  
U.S. Department of Education

Dear Messrs. Gruenbaum, Keveney, and Wheeler:

We represent Harvard University. We are writing in response to your letter dated April 11, 2025, addressed to Dr. Alan Garber, Harvard's President, and Penny Pritzker, Senior Fellow of the Harvard Corporation.

Harvard is committed to fighting antisemitism and other forms of bigotry in its community. Antisemitism and discrimination of any kind not only are abhorrent and antithetical to Harvard's values but also threaten its academic mission.

To that end, Harvard has made, and will continue to make, lasting and robust structural, policy, and programmatic changes to ensure that the university is a welcoming and supportive learning environment for all students and continues to abide in all respects with federal law across its academic programs and operations, while fostering open inquiry in a pluralistic community free from intimidation and open to challenging orthodoxies, whatever their source.

Over the past 15 months, Harvard has undertaken substantial policy and programmatic measures. It has made changes to its campus use policies; adopted new accountability procedures; imposed meaningful discipline for those who violate university policies; enhanced programs designed to address bias and promote ideological diversity and civil discourse; hired staff to support these programs and support students; changed partnerships; dedicated resources to combat hate and bias; and enhanced safety and security measures. As a result, Harvard is in a very different place today from where it was a year ago. These efforts, and additional measures the university will be taking against antisemitism, not only are the right thing to do but also are critical to strengthening Harvard's community as a place in which everyone can thrive.

It is unfortunate, then, that your letter disregards Harvard's efforts and instead presents demands that, in contravention of the First Amendment, invade university freedoms long



Messrs. Gruenbaum, Keveney, and Wheeler

April 14, 2015

Page 2

recognized by the Supreme Court. The government's terms also circumvent Harvard's statutory rights by requiring unsupported and disruptive remedies for alleged harms that the government has not proven through mandatory processes established by Congress and required by law. No less objectionable is the condition, first made explicit in the letter of March 31, 2025, that Harvard accede to these terms or risk the loss of billions of dollars in federal funding critical to vital research and innovation that has saved and improved lives and allowed Harvard to play a central role in making our country's scientific, medical, and other research communities the standard-bearers for the world. These demands extend not only to Harvard but to separately incorporated and independently operated medical and research hospitals engaging in life-saving work on behalf of their patients. The university will not surrender its independence or relinquish its constitutional rights. Neither Harvard nor any other private university can allow itself to be taken over by the federal government. Accordingly, Harvard will not accept the government's terms as an agreement in principle.

Harvard remains open to dialogue about what the university has done, and is planning to do, to improve the experience of every member of its community. But Harvard is not prepared to agree to demands that go beyond the lawful authority of this or any administration.



William A. Burck

Quinn Emanuel Urquhart & Sullivan, LLP  
1300 I Street NW  
Suite 900  
Washington, DC 20005



Robert K. Hur

King & Spalding LLP  
1700 Pennsylvania Avenue NW  
Suite 900  
Washington, DC 20006

# **EXHIBIT C**

 An official website of the United States government [Here's how you know](#)

## U.S. Department of Education

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### PRESS RELEASE

# Joint Task Force to Combat Anti-Semitism Statement Regarding Harvard University

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APRIL 14, 2025

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Today, the Joint Task Force to Combat Anti-Semitism released the following statement:

"Harvard's statement today reinforces the troubling entitlement mindset that is endemic in our nation's most prestigious universities and colleges – that federal investment does not come with the responsibility to uphold civil rights laws.

The disruption of learning that has plagued campuses in recent years is unacceptable. The harassment of Jewish students is intolerable. It is time for elite universities to take the problem seriously and commit to meaningful change if they wish to continue receiving taxpayer support.

The Joint Task Force to combat anti-Semitism is announcing a freeze on \$2.2 billion in multi-year grants and \$60M in multi-year contract value to Harvard University."

### CONTACT

Press Office | [press@ed.gov](mailto:press@ed.gov) | (202) 401-1576 |

# **EXHIBIT D**



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

May 5, 2025

Dr. Alan Garber  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dr. Garber,

The Federal Government has a sacred responsibility to be a wise and important steward of American taxpayer dollars. Harvard University, despite amassing a largely tax-free \$53.2 billion dollar endowment (larger than the GDP of 100 countries), receives billions of dollars of taxpayer largess each year. Receiving such taxpayer funds is a privilege, not a right. Yet instead of using these funds to advance the education of its students, Harvard is engaging in a systemic pattern of violating federal law. Where do many of these “students” come from, who are they, how do they get into Harvard, or even into our country—and why is there so much HATE? These are questions that must be answered, among many more, but the biggest question of all is, why will Harvard not give straightforward answers to the American public?

Harvard University has made a mockery of this country’s higher education system. It has invited foreign students, who engage in violent behavior and show contempt for the United States of America, to its campus. In every way, Harvard has failed to abide by its legal obligations, its ethical and fiduciary duties, its transparency responsibilities, and any semblance of academic rigor. It had scrapped standardized testing requirements and a normalized grading system. This year Harvard was forced to adopt an embarrassing “remedial math” program for undergraduates. Why is it, we ask, that Harvard has to teach simple and basic mathematics, when it is supposedly so hard to get into this “acclaimed university”? Who is getting in under such a low standard when others, with fabulous grades and a great understanding of the highest levels of mathematics, are being rejected?

Harvard has even been embroiled in humiliating plagiarism scandals, exposed clearly and plainly in the media, with respect to your then University President, who was an embarrassment to our Nation. Much of Harvard’s hateful discrimination was revealed, last year, by the great work of Congresswoman Elise Stefanik, and her Committee. As if it were trying to embarrass itself even further, Harvard hired failed Mayors Bill De Blasio and Lori Lightfoot, perhaps the worst mayors ever to preside over major cities in our country’s history, to supposedly teach “leadership” at their School of Public Health. This is like hiring the captain of the Titanic to teach navigation to future captains of the sea.

This incomprehensible failure becomes more understandable after reviewing Harvard’s management. The Harvard Corporation, which is supposed to competently and professionally manage Harvard’s vast academic, financial, and physical resources, is run by strongly left-leaning Obama political appointee Penny Pritzker, a Democrat operative, who is catastrophic and

running the institution in a totally chaotic way. Harvard alumnus and highly successful hedge fund manager Bill Ackman noted that, under her leadership, Harvard has become “a political advocacy organization for one party.”

Ackman has called for the resignation of Pritzker, concluding that the “[t]he mismanagement here is Penny Pritzker” and noting that any serious corporation would have removed her after a litany of recent failings and the fact that, incredibly, “Harvard is not in a good financial position.” According to Ackman, one of the world’s foremost finance experts, Harvard’s so-called \$53 billion endowment is “massively overstated as far as what it’s really worth,” and Harvard has irresponsibly taken out \$8 billion in debt.

If this is true, it is concerning evidence of Harvard’s disastrous mismanagement, indicating an urgent need for massive reform—not continued taxpayer investment. If Harvard prefers not to change, then Harvard should have no problem using its overflowing endowment to fund its bloated bureaucracy.

At its best, a university should fulfill the highest ideals of our Nation, and enlighten the thousands of hopeful students who walk through its magnificent gates. But Harvard has betrayed this ideal.

Perhaps most alarmingly, Harvard has failed to abide by the United States Supreme Court’s ruling demanding that it end its racial preferencing, and continues to engage in ugly racism in its undergraduate and graduate schools, and even within the Harvard Law Review itself. Our universities should be bastions of merit that reward and celebrate excellence and achievement. They should not be incubators of discrimination that encourage resentment and instill grievance and racism into our wonderful young Americans.

The above concerns are only a fraction of the long list of Harvard’s consistent violations of its own legal duties. Given these and other concerning allegations, this letter is to inform you that Harvard should no longer seek GRANTS from the federal government, since none will be provided. Harvard will cease to be a publicly funded institution, and can instead operate as a privately-funded institution, drawing on its colossal endowment, and raising money from its large base of wealthy alumni. You have an approximately \$53 Billion head start, much of which was made possible by the fact that you are living within the walls of, and benefiting from, the prosperity secured by the United States of America and its free-market system you teach your students to despise.

The Administration had previously been willing to maintain federal funding to Harvard, so long as Harvard committed to complying with long-settled Federal Law, including to protect and promote student welfare and the landmark decision of our Supreme Court against racial preferencing. The proposed common-sense reforms – which the Administration remains committed to – include a return to merit-based admissions and hiring, an end to unlawful programs that promote crude identity stereotypes, disciplinary reform and consistent accountability, including for student groups, cooperation with Law Enforcement, and reporting compliance with the Department of Education, Department of Homeland Security, and other

Federal Agencies. The Administration's priorities have not changed and today's letter marks the end of new grants for the University.

These requests will advance the best interests of Harvard University, so it can reclaim its status as a respected educational institution for the future leaders of America. Thank you for your attention to this matter!

Sincerely,

A handwritten signature in black ink, appearing to read "Linda McMahon", with a long, sweeping horizontal flourish extending to the right.

Linda E. McMahon  
Secretary of Education

# **EXHIBIT E**





National Institutes of Health  
Office of Extramural Research

May 6, 2025

Dr. Alan Garber  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dr. Garber:

NIH is hereby providing notice that funding for the projects in the attached spreadsheet will be terminated pursuant to the National Institutes of Health ("NIH") Grants Policy Statement (GPS),<sup>1</sup> and 2 C.F.R. § 200.340(a)(4).

As reflected in the Notices of Award for the most recent budget period of these projects, the NIH Grants Policy Statement is incorporated as a term and condition of award. The GPS "includes the terms and conditions of NIH grants and cooperative agreements and is incorporated by reference in all NIH grant and cooperative agreement awards."<sup>2</sup> According to the GPS, "NIH may ... terminate the grant in whole or in part as outlined in 2 CFR Part 200.340."<sup>3</sup> At the time the Notices of Award were issued for the most recent budget period, 2 C.F.R. § 200.340(a)(4) permitted termination "[b]y the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

These awards no longer effectuate agency priorities. NIH is obligated to carefully steward grant awards to ensure taxpayer dollars are used in ways that benefit the American people and improve their quality of life. Your project does not satisfy these criteria.

NIH is responsible for ensuring that its limited resources are appropriately allocated. NIH policy is that grant dollars should support institutions that foster safe, equal, and healthy working and learning conditions conducive to high-quality research and free inquiry.<sup>4</sup> NIH policy is also that grant dollars should only support institutions that comply with principles and laws of nondiscrimination.

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<sup>1</sup> <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

<sup>2</sup> NIH GPS, Section 3.

<sup>3</sup> *Id.* at Section 8.5.2.

<sup>4</sup> NIH GPS, Section 4.

As relevant to NIH's policies, NIH understands that Harvard continues to engage in race discrimination including in its admissions process, and in other areas of student life, such as access to the Law Review at Harvard Law School.

NIH is also aware of recent events at Harvard University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Harvard's ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Indeed, as the Harvard Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias concluded, actions at Harvard during the 2023-2024 academic year resulted in widespread abuse of Jewish and Israeli students by an institution "that mainstreamed and normalized what many Jewish and Israeli students experience as antisemitism and anti-Israeli bias."

Supporting research in such an environment is plainly inconsistent with NIH's priorities and *raison d'être* of funding and championing the very best American research and educational institutions.

Although "NIH generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action before NIH makes a termination decision,"<sup>5</sup> no corrective action is possible here. That is because, upon being made aware of systematic institutional failures to address deeply rooted antisemitism and racial discrimination, the University has refused to take appropriate action. NIH perceives these categorical rejections to manifest the University's unwillingness to take corrective action or implement necessary reforms. Therefore, no modification of the projects could align the projects with agency priorities.

Costs resulting from financial obligations incurred after termination are not allowable.<sup>6</sup> Nothing in this notice excuses either NIH or you from complying with the closeout obligations imposed by 2 C.F.R. §§ 200.344. NIH will provide any information required by the Federal Funding Accountability and Transparency Act or the Office of Management and Budget's regulations to *USAspending.gov*.<sup>7</sup>

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<sup>5</sup> NIH GPS, Section 8.5.2.

<sup>6</sup> See 2 C.F.R. § 200.343.

<sup>7</sup> 2 C.F.R. § 200.341(c).

## **Administrative Appeal**

You may object and provide information and documentation challenging these terminations.

You must submit a request for such review to Director Bhattacharya no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, Dr. Bhattacharya may grant an extension of time.

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.

Sincerely,

Michelle G. Bulls  
Director, Office of Policy for Extramural Research Administration  
Office of Extramural Research/Office of the Director

# **EXHIBIT F**



**File Code:** 1580  
**Date:** May 9, 2025

Dr. Alan Garber  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dr. Garber:

The Forest Service is hereby providing notice that funding for the projects in the attached spreadsheet will be terminated.

These awards no longer effectuate agency priorities. The Forest Service is responsible for ensuring that its limited resources are appropriately allocated. Our policy is that Federal assistance should support institutions that foster safe, equal, and healthy working and learning conditions conducive to high-quality research.

We are aware of recent events at Harvard University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Harvard's ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Indeed, as the Harvard Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias concluded, actions at Harvard during the 2023-2024 academic year resulted in widespread abuse of Jewish and Israeli students by an institution "that mainstreamed and normalized what many Jewish and Israeli students experience as antisemitism and anti-Israeli bias."

Supporting research in such an environment is plainly inconsistent with Forest Service priorities and *raison d'être* of funding and championing the very best American research and educational institutions.

Upon being made aware of systematic institutional failures to address deeply rooted antisemitism and racial discrimination, the University has refused to take appropriate action. We perceive these categorical rejections to manifest the University's unwillingness to take corrective action or implement necessary reforms. Therefore, no modification of the projects could align the projects with agency priorities.

### **Administrative Appeal.**

You may object and provide information and documentation challenging these



terminations.

You must submit a request for such review to my attention at the address above no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, you may be granted an extension of time. The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.

Sincerely,

Andria Weeks  
Associate Deputy Chief, Business Operations

# **EXHIBIT G**



## Department of Energy

Washington, DC 20585

May 12, 2025

Dr. Alan Garber  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dr. Garber:

The Department of Energy (DOE) is hereby providing notice that funding for the projects in the attached spreadsheet is hereby terminated. This termination is pursuant to 2 C.F.R. § 200.340(a)(4), which permits termination “by the Federal agency or pass-through entity pursuant to the terms and conditions of the Federal award, including, to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities.”

DOE understands that Harvard University (Harvard) continues to engage in race discrimination, including in its admission process, and in other areas of student life, such as access to the Law Review at Harvard Law School. We are also aware of recent events at Harvard involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Harvard’s ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Indeed, as the Harvard Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias concluded, actions at Harvard during the 2023-2024 academic year resulted in widespread abuse of Jewish and Israeli students by an institution “that mainstreamed and normalized what many Jewish and Israeli students experience as antisemitism and anti-Israeli bias.”

DOE maintains a firm policy of not supporting entities, individuals or actions that engage in discrimination or which promote and condone, by action or acquiescence, antisemitism. Despite being aware of deeply rooted racial discrimination and antisemitism at Harvard, Harvard has refused to take immediate, definitive and appropriate remedial action. Therefore, based on the available information, DOE has concluded that no modification of the Harvard projects could align the projects with agency priorities and any continued funding of the projects is inconsistent with DOE’s stewardship of American taxpayer funds and would be inconsistent with the DOE’s overall mission and goals.

Supporting research in such an environment is plainly inconsistent with DOE’s priorities and *raison d’etre* of funding and championing the very best American research and educational institutions. The actions of Harvard in failing to definitely eliminate racial discrimination and antisemitism on its campus demonstrate that Harvard’s conduct does not align with DOE’s policy against racial discrimination, and antisemitism, in all of its permutations.



In accordance with 2 C.F.R. § 200.343, you are hereby notified that costs to the recipient or subrecipient resulting from financial obligations incurred by the recipient or subrecipient during the termination of this award are not allowable. However, costs after termination are allowable if the costs result from financial obligations which were properly incurred by the recipient or subrecipient before the effective date of termination.

**Administrative Appeal**

You may object and provide information and documentation challenging these terminations.

You must submit a request for such review to DOE's Office of General Counsel no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, the DOE General Counsel may grant an extension of time in the exercise of his sole discretion.

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.

Sincerely,

A handwritten signature in black ink that reads "Shane Kosinski". The signature is written in a cursive, slightly slanted style.

Shane Kosinski  
Deputy Director for Operations  
Advanced Research Projects Agency-Energy (ARPA-E)  
U.S. Department of Energy

Award Number	Project Title
DE-AR0001705	Developing advanced NMR techniques to predict and monitor CO2 storage and mineralization for enhanced mining exploration and operation

# **EXHIBIT H**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAY 12 2025

Dr. Alan M. Garber  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dear Dr. Garber:

The Department of Defense (DoD) is hereby providing notice that funding for the projects in the enclosed spreadsheet will be terminated pursuant to 2 C.F.R. § 200.340(a)(4). At the time the Notices of Award were issued, 2 C.F.R. § 200.340(a) permitted termination “by the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities.”

These awards to Harvard University no longer effectuate agency priorities of the DoD. DoD is responsible for ensuring that its limited resources are appropriately allocated, and DoD priorities include ensuring that grant dollars should only support institutions that comply with principles and laws of nondiscrimination.

In context of these policies and priorities, we understand that Harvard continues to engage in race discrimination, including in its admissions process, and in other areas of student life, such as access to the Law Review at Harvard Law School. We are also aware of recent events at Harvard University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Harvard’s ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Indeed, as the Harvard Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias concluded, actions at Harvard during the 2023-2024 academic year resulted in widespread abuse of Jewish and Israeli students by an institution “that mainstreamed and normalized what many Jewish and Israeli students experience as antisemitism and anti-Israeli bias.” Supporting research in such an environment is plainly inconsistent with DoD’s priorities.

Costs resulting from financial obligations incurred after termination are not allowable.<sup>1</sup> Nothing in this notice excuses either DoD or you from complying with the closeout obligations imposed by 2 C.F.R. § 200.344. DoD will provide any information required by the Federal Funding Accountability and Transparency Act or the Office of Management and Budget’s regulations to *USAspending.gov*.<sup>2</sup>

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<sup>1</sup> See 2 C.F.R. § 200.343.

<sup>2</sup> 2 C.F.R. § 200.341(c).

**Administrative Appeal (if applicable)**

If applicable, you may object and provide information and documentation challenging these terminations.

You must submit a request for such review to the Office of the Secretary of Defense no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, the DoD may grant an extension of time.

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.

Sincerely,

A handwritten signature in black ink, appearing to read 'PBJ', followed by a long horizontal stroke.

Enclosure:  
As stated

# ENCLOSURE

Award ID (PIID)	Recipient Name	Period of Performance Start Date	Period of Performance End Date	Total Award Amount	Award Description	Awarding Agency Name	Funding Subagency Name
FA23862414070	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/25/2024	9/24/2027	\$200,000	TOWARDS A NEW QUANTUM PLATFORM BASED ON ULTRACOLD MOLECULES	Department of Defense	Department of the Air Force
FA23862414073	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/23/2024	9/22/2027	\$200,000	BASIC RESEARCH FOR AOARD PROPOSAL 24IOA073 "QUANTUM SENSING FOR ENTANGLED MILLIMETER-WAVE PHOTONS", DATED 02 JUL 2024 (THE GRANTEE'S TECHNICAL PROPOSA	Department of Defense	Department of the Air Force
FA87502210500	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/20/2022	12/19/2025	\$441,000	DIAL ACCELERATORS FOR DEEP NUERAL NETWORKS: DISTRIBUTED AND NETWORKED, IN-EMBEDDED-HARDWARE, ADVERSARIAL GENERATIVE, LOW-PRECISION ARI	Department of Defense	Department of the Air Force
FA95502010323	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2020	8/31/2025	\$7,500,000	(MURI) NEW APPROACHES TO QUANTUM CONTROL WITH INDIVIDUAL MOLECULE SENSITIVITY	Department of Defense	Department of the Air Force
FA95502110429	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/15/2021	9/14/2025	\$6,000,000	TUNNELING PHENOMENA IN INTERFACE SUPERCONDUCTORS	Department of Defense	Department of the Air Force
FA95502210228	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	7/1/2022	6/30/2025	\$450,000	OPTICALLY-CONTROLLED, GENETICALLY-TARGETED CHEMICAL ASSEMBLY OF ELECTRICALLY FUNCTIONAL MATERIALS FOR NEUROMODULATION.	Department of Defense	Department of the Air Force
FA95502210288	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	6/15/2022	6/14/2027	\$603,134	LASER COOLING AND TRAPPING OF ASYMMETRIC TOP MOLECULES FOR QUANTUM SCIENCE	Department of Defense	Department of the Air Force
FA95502210345	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2022	8/31/2025	\$663,231	CELLULAR FOUNDATIONS OF MEMORY	Department of Defense	Department of the Air Force
FA95502310040	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	12/15/2022	12/14/2025	\$675,915	CORRELATED TOPOLOGICAL STATES IN MOIRE SUPERLATTICES OF INTRINSIC MAGNETIC TOPOLOGICAL INSULATOR	Department of Defense	Department of the Air Force
FA95502310429	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	7/1/2023	6/30/2026	\$233,624	ANALYZING MULTI-LAYER NETWORKS VIA GRAPHEX MODELS	Department of Defense	Department of the Air Force
FA95502310538	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2023	8/31/2028	\$955,756	INTERACTING AND ENTANGLING POLAR MOLECULES WITH SINGLE-SITE CONTROL IN 1D AND 2D ARRAYS	Department of Defense	Department of the Air Force
FA95502310699	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2023	8/31/2027	\$233,330	CASCADED MODE CONVERTER INTEGRATED OPTICS	Department of Defense	Department of the Air Force
FA95502410060	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	3/1/2024	2/28/2026	\$1,798,146	(DURIP) QUANTUM INFORMATION SCIENCE WITH ULTRACOLD LASER-COOLED MOLECULES	Department of Defense	Department of the Air Force



FA95502410311	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/30/2024	9/29/2029	\$190,000	FUNDAMENTAL PHYSICS & APPLICATIONS OF ATOMIC COOPERATIVE ARRAYS IN BIO-INSPIRED GEOMETRIES	Department of Defense	Department of the Air Force
FA95502510019	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	11/1/2024	10/31/2027	\$320,000	HIGH TEMPERATURE SUPERCONDUCTOR TWISTRONICS	Department of Defense	Department of the Air Force
HDTRA12110016	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	4/12/2021	9/30/2025	\$2,000,000	FUNDAMENTAL STUDIES OF STORED ENERGY FOR PHOTOCHEMICAL DESTRUCTION OF CWA SIMULANTS	Department of Defense	Defense Threat Reduction Agency
HQ00342110012	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/15/2021	9/14/2025	\$5,999,407	NATIONAL DEFENSE EDUCATION PROGRAM - BUILDING A STRONGER STEM FOUNDATION: ONLINE DATA SCIENCE EDUCATION AT SCALE	Department of Defense	Immediate Office of the Secretary of Defense
HQ00342310012	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	10/1/2023	9/30/2026	\$5,981,962	NATIONAL DEFENSE EDUCATION PROGRAM SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS: EDUCATING FOR AMERICAN DEMOCRACY - A NATIONAL PROGRAM FOR CIVIC EDUCATOR PROFESSIONAL DEVELOPMENT	Department of Defense	Immediate Office of the Secretary of Defense
HR00112220036	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	8/8/2022	6/13/2026	\$3,928,164	THE PURPOSE OF THIS AGREEMENT IS TO FUND RESEARCH SUPPORTING THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (DARPA) AUTOMATING SCIENTIFIC KNOWLEDGE EXTRACTION AND MODELING (ASKEM) PROGRAM. THIS EFFORT SHALL BE CARRIED OUT GENERALLY AS SET FORTH IN EXHIBIT B, RESEARCH DESCRIPTION DOCUMENT, DATED JULY 12, 2022 AND IN THE RECIPIENTS PROPOSAL TITLED, MIRA: MODELING WITH AN INTELLIGENT REASONING ASSISTANT, DATED FEBRUARY 7, 2022 COPIES OF WHICH ARE IN THE POSSESSION OF BOTH PARTIES	Department of Defense	Defense Advanced Research Projects Agency
HR00112420367	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	8/12/2024	8/13/2027	\$3,415,297	ASSURED MICROBIAL PRESERVATION IN HARSH OR REMOTE AREAS PROGRAM (AMPHORA)	Department of Defense	Defense Advanced Research Projects Agency
HT94252310226	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	4/1/2023	3/31/2027	\$4,407,375	GUT SYMBIONT LIPID A FAMILY: STRUCTURES AND IMMUNOMODULATION IN IBD	Department of Defense	Defense Health Agency



HT94252310349	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	8/1/2023	7/31/2027	\$1,694,970	DEFINING NOVEL CELLULAR CIRCUITRY AND COMMUNICATION IN FIBROUS DYSPLASIA	Department of Defense	Defense Health Agency
HT94252310447	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	5/15/2023	5/14/2027	\$2,690,243	BIOMARKERS OF SLEEP LOSS	Department of Defense	Defense Health Agency
HT94252310523	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	7/1/2023	6/30/2027	\$1,174,848	OPTIMIZING INDIVIDUALIZED COLORECTAL CANCER TREATMENT AND PROGNOSTIC PREDICTION VIA CAUSAL MACHINE LEARNING	Department of Defense	Defense Health Agency
HT94252310871	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/15/2023	9/14/2026	\$999,799	ELUCIDATING THE BIOLOGICAL MECHANISMS UNDERLYING THE ASSOCIATION BETWEEN EPSTEIN-BARR VIRUS AND MULTIPLE SCLEROSIS	Department of Defense	Defense Health Agency
HT94252410177	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	4/1/2024	3/31/2026	\$714,986	SAFE TREATMENT FOR TBI-INDUCED NEURODEGENERATION AND COGNITIVE DECLINE	Department of Defense	Defense Health Agency
N000142112478	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	6/1/2021	5/31/2025	\$560,000	MATERIALS DESIGN FOR THERMAL RADIATION BLOCKING THERMAL BARRIER COATINGS	Department of Defense	Department of the Navy
N000142112664	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	7/1/2021	6/30/2025	\$499,999	EXPLORATION OF KACS WALK AND ANALYSIS OF BAYESIAN DISTRIBUTED COMPUTING	Department of Defense	Department of the Navy
N000142112958	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/15/2021	9/14/2026	\$2,400,000	PROGRAMMABLE ASSEMBLY OF FUNCTIONAL HUMAN TISSUES	Department of Defense	Department of the Navy
N000142212470	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	6/1/2022	5/31/2025	\$1,200,000	CARBON DIOXIDE REDUCTION CATALYSIS TO ELIMINATE THE NEED FOR REBREATHERS IN DIVING OPERATIONS	Department of Defense	Department of the Navy
N000142212739	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2022	8/31/2027	\$800,000	AQUEOUS POROUS LIQUIDS FOR UNDERSEA MEDICINE	Department of Defense	Department of the Navy

N000142312051	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	4/1/2023	3/31/2027	\$1,199,999	BRAIN INSPIRED NEURAL COMPUTATION OF STRUCTURED KNOWLEDGE	Department of Defense	Department of the Navy
N000142312489	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	7/1/2023	6/30/2026	\$238,643	ESTIMATING THE TREATMENT EFFECT IN HIGH-DIMENSIONS UNDER INTERFERENCE	Department of Defense	Department of the Navy
N000142312684	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	7/1/2023	6/30/2025	\$100,000	FISH SKIN AS A MULTIFUNCTIONAL HYDRODYNAMIC MATERIAL	Department of Defense	Department of the Navy
N000142312802	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	8/1/2023	7/31/2026	\$672,000	TOWARDS DISTRIBUTED AND ONLINE PARTIALLY OBSERVABLE STOCHASTIC CAMOUFLAGE GAMES	Department of Defense	Department of the Navy
N000142412081	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	1/1/2024	12/31/2027	\$340,000	NON-ABELIAN ANYON BRAIDING IN CORBINO TOPOLOGICAL JOSEPHSON JUNCTIONS	Department of Defense	Department of the Navy
N000142412282	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	4/1/2024	3/31/2027	\$420,000	MICROPOROUS WATER FOR IN VIVO GAS ABSORPTION	Department of Defense	Department of the Navy
N000142412704	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2024	8/31/2028	\$193,324	COLLECTIVE DECISION MAKING WITH LARGE LANGUAGE MODELS	Department of Defense	Department of the Navy
N000142412726	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2024	8/31/2027	\$160,205	SUPPORTING HUMAN LEARNING IN THE CONTEXT OF AI-ASSISTED DECISION-MAKING	Department of Defense	Department of the Navy
N000142512128	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	2/1/2025	1/31/2028	\$80,000	SELF-REGULATING SURFACES THAT MITIGATE DETRIMENTAL CHANGES IN MARINE CONDITIONS	Department of Defense	Department of the Navy
N000142512129	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	1/1/2025	12/31/2025	\$590,452	DURIP: ENHANCING ELECTROMAGNETIC WAVE COUPLING TO TOPOLOGICAL QUANTUM STATES IN LOW DIMENSIONAL MATERIALS	Department of Defense	Department of the Navy
N000142512152	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	2/1/2025	1/31/2028	\$150,000	GENERATING BREATHABLE OXYGEN FROM SEAWATER FOR UNDERWATER OPERATIONS	Department of Defense	Department of the Navy
N000142512153	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	2/1/2025	1/31/2028	\$66,161	SOCIAL CHOICE FOR AI ALIGNMENT	Department of Defense	Department of the Navy
N000142512173	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	3/1/2025	2/29/2028	\$20,000	REPRESENTATION-BASED REINFORCEMENT LEARNING FOR AUTONOMOUS SYSTEMS	Department of Defense	Department of the Navy
W81XWH2110449	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/15/2021	9/14/2025	\$2,393,700	PIEZO-1-MEDIATED MECHANOTRANSDUCTION AS KEY REGULATOR OF BONE HEALTH IN ADULT MICE	Department of Defense	Department of the Army

W911NF1920168	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	6/1/2019	11/30/2025	\$1,450,000	NO COST PERIOD OF PERFORMANCE EXTENSION - WIDELY-TUNABLE, COMPACT SUB-MILLIMETER SOURCE OPERATING AT ROOM-TEMPERATURE FROM 100 GHZ TO 1 THZ	Department of Defense	Department of the Army
W911NF2010021	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	3/1/2020	5/31/2025	\$9,849,000	OPTION 1 FULL FUNDING (QUANTUM OPTIMIZATION WITH PROGRAMMABLE SIMULATORS BASED ON ATOM ARRAYS)	Department of Defense	Defense Advanced Research Projects Agency
W911NF2010082	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	6/1/2020	11/30/2025	\$6,250,000	TOWARD MATHEMATICAL INTELLIGENCE AND CERTIFIABLE AUTOMATED REASONING: FROM THEORETICAL FOUNDATIONS TO EXPERIMENTAL REALIZATION	Department of Defense	Department of the Army
W911NF2010163	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	6/15/2020	8/31/2025	\$512,640	RESEARCH IN "HYBRID QUANTUM-CLASSICAL ALGORITHM FOR ANALYZING MANY-BODY SYSTEMS"	Department of Defense	Department of the Army
W911NF2120146	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	7/1/2021	7/31/2025	\$3,750,000	UNDERSTANDING AND ENGINEERING TRANSIENT MECHANICAL RESPONSES IN NANOPARTICLE-REINFORCED HETEROGENOUS PARTICULATE SYSTEMS	Department of Defense	Department of the Army
W911NF2120147	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	3/1/2025	2/28/2026	\$5,494,833	INCREMENTAL FUNDING AND OPTIOIN #2 EXERCUSED: MULTIFUNCTIONAL DEVICES IN PRECISELY ENGINEERED VAN DER WAALS HOMOJUNCTIONS	Department of Defense	Department of the Army
W911NF2210219	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/1/2022	8/31/2025	\$3,789,760	HIGH SCHOOL AND UNDERGRADUATE INTERNSHIP OPPORTUNITIES ON THE AWARD TITLED "PROGRAMMING MULTISTABLE ORIGAMI AND KIRIGAMI STRUCTURES VIA TOPOLOGICAL DESIGN"	Department of Defense	Department of the Army
W911NF2210248	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	9/28/2022	9/27/2026	\$1,260,000	NEXT GENERATION NV CENTER BASED QUANTUM SENSING	Department of Defense	Department of the Army
W911NF2320219	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	11/1/2023	1/31/2026	\$5,685,227	THE EFFORT UNDER THE ENTANGLED NEUTRAL ATOMS FOR LOGICAL QUANTUM TELEPORTATION (ENACT) PROPOSAL, SUBMITTED BY HARVARD COLLEGE, IS FOR A PUBLIC PURPOSE, THE STIMULATION AND SUPPORT OF SCIENTIFIC RESEARCH IN THE AREA OF QUANTUM INFORMATION SCIENCE (QIS), AS OPPOSED TO ACQUIRING GOODS AND SERVICES FOR THE BENEFIT OF THE GOVERNMENT.	Department of Defense	Department of the Army
W911NF2410079	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	4/1/2024	3/31/2028	\$400,000	EMERGENT ORDER AND QUANTUM INFORMATION FLOW IN NON-EQUILIBRIUM SYSTEMS	Department of Defense	Department of the Army
W911NF2420195	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	8/15/2024	8/14/2027	\$1,375,000	RESEARCH IN QUANTUM ENZ MATERIALS FOR MIDWAVE IR SINGLE-PHOTON DETECTION (QEMISD)	Department of Defense	Department of the Army

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\$105,372,130

# **EXHIBIT I**



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*U.S. National Science Foundation  
Division of Grants and Agreements  
2415 Eisenhower Avenue  
Alexandria, Virginia 22314*

May 12, 2025

Dr. Alan Garber  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

**Ref: Notice of Termination**

Dr. Garber:

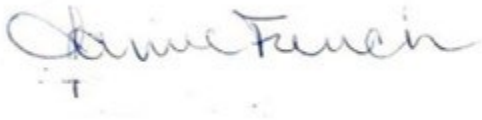
The U.S. National Science Foundation (NSF) has undertaken a review of its award portfolio. The agency has determined that termination of certain awards is necessary because they are not in alignment with current [NSF priorities](#) and/or programmatic goals. NSF understands that Harvard continues to engage in race discrimination including in its admissions process, and in other areas of student life, as well as failing to promote a research environment free of antisemitism and bias.

Effective immediately, the attached awards are terminated.

NSF is issuing this termination to protect the interests of the government pursuant to NSF Grant General Conditions (GC-1) term and condition entitled 'Termination and Enforcement,' on the basis that they no longer effectuate the program goals or agency priorities. This is the final agency decision and not subject to appeal.

Costs incurred as a result of this termination may be reimbursed, provided such costs would otherwise be allowable under the terms of the award and the governing cost principles. In accordance with your award terms and conditions, you have 30 days from the termination date to furnish an itemized accounting of allowable costs incurred prior to the termination date.

Sincerely,

A handwritten signature in blue ink that reads "Jamie French". The signature is written in a cursive style with a large initial "J" and a stylized "F".

Jamie H. French, Division Director  
Office of Budget Finance and Award Management (BFA)  
Division of Grants and Agreements (DGA)

# **EXHIBIT J**



OFFICE OF HEALTHY HOMES AND  
LEAD HAZARD CONTROL

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-3000

May 12, 2025

Dr. Alan Garber  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dr. Garber:

This letter is to notify you that HUD's Office of Lead Hazard Control and Healthy Homes (OLHCHH) plans to terminate two Lead and Healthy Homes Technical Studies grants MAHHU0068-21 and MAHHU0069-22, pursuant to its authority under 2 C.F.R. § 200.340(a)(4) and the grant terms and conditions.

As provided in Section 45 of the Lead and Healthy Homes Technical Studies (LHHTS) Grant Programs Terms and Conditions, the award may be "terminated in whole or in part before the end of the performance period when the Grantee and/or subgrantee has failed to comply with the terms, conditions, standards, or provisions of this award, or if an award no longer effectuates the program goals or agency priorities." Additionally, 2 C.F.R. § 200.340(a)(4) provides that a Federal award may be terminated if "an award no longer effectuates the program goals or agency priorities."

HUD has determined that these awards no longer effectuate agency priorities. Harvard may object and provide information and documentation challenging these terminations as provided in Section 14 of the Lead and Healthy Homes Technical Studies (LHHTS) Grant Programs Terms and Conditions.

Harvard should commence closeout activities as described in Form HUD-1044, section II.8 and OLHCHH grant policy notice 2020-06, "Closeout Procedures for OLHCHH Grantees". Your Government Technical Representative will provide additional information in a follow-up communication to your assigned project managers.

Sincerely,

Tara J. Radosevich  
Acting Division Director, Grant Services Division



# **EXHIBIT K**



**U.S. Department of Justice**

**Civil Rights Division**

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

February 27, 2025

**Via electronic mail**

Dr. Alan M. Garber  
Harvard University  
Office of the President  
Massachusetts Hall  
Cambridge, MA 02138  
president@harvard.edu

Re: Civil Rights Division Task Force on Combating Anti-Semitism

Dear Dr. Garber:

On January 29, 2025, President Trump issued Executive Order 14188, [Additional Measures to Combat Anti-Semitism](#), to reaffirm and expand on his Executive Order 13899 and to marshal all available federal resources to root out anti-Semitism from our Nation's campuses and classrooms. The Order directed federal agencies to use "all available and appropriate legal tools" to confront an "unprecedented wave of vile anti-Semitic discrimination, vandalism, and violence against our citizens, especially in our schools and on our campuses."

The Department of Justice is committed to vigorously enforcing this directive. On February 3, the Department announced the launch of a multi-agency Task Force to Combat Anti-Semitism, to be led by the Civil Rights Division. Pursuant to Executive Order 14188, and to the Department's authority under the Civil Rights Act of 1964, we write to notify you that we are aware of allegations that your institution may have failed to protect Jewish students and faculty members from unlawful discrimination, in potential violation of statutes that we enforce.

The Civil Rights Division coordinates federal agencies' enforcement of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000(d), *et seq.* ("Title VI"), which prohibits discrimination by recipients of federal funds on the basis of race, color, and national origin (including shared ancestry and ethnic characteristics).<sup>1</sup> The Division also enforces Title IV of the

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<sup>1</sup> Under Executive Order 12250, the Department is charged with ensuring the consistent and effective implementation of federal civil rights laws "prohibiting discriminatory practices in Federal programs and programs receiving federal financial assistance." Exec. Order No. 12250, Leadership and Coordination of Nondiscrimination Laws, reprinted at 45 Fed. Reg. 72,995 (Nov. 4, 1980). The Division also directly enforces Title VI with respect to recipients of federal funds from the Department of Justice. *See* 28 C.F.R. Part 42.

Civil Rights Act of 1964, 42 U.S.C. § 2000c, *et seq.* (“Title IV”), which authorizes the Attorney General to address certain complaints of discrimination against students, including discrimination based on religion or national origin, by public colleges and universities. Under these laws, covered schools have a responsibility to take prompt and effective action when they have notice that students face harassment creating a hostile environment on these bases.

In addition, the Department enforces Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”) against state and local government employers. Title VII prohibits employers from discriminating against an individual because of race, color, religion, sex, or national origin. *See* 42 U.S.C. § 2000e-2. This prohibition includes conduct that creates a pattern or practice of discrimination or harassment for employees. Under Title VII, employers must ensure that employees do not endure unlawful harassment based on their religion. Employers also have a responsibility to take prompt and effective action to end harassment when they are on notice – through employee complaints or otherwise – that employee harassment is occurring.

Based on the information we have received, the Civil Rights Division requests a meeting **within 30 days** with relevant administrators, faculty, staff members, and any on-campus Jewish stakeholder groups. This meeting will help us fully and objectively evaluate the allegations and determine what further action, if any, may be warranted. A member of the Civil Rights Division will reach out in the next several days to schedule this meeting. We stress that at this point the Department has reached no conclusion as to whether Harvard University has violated any federal law.

Finally, I encourage you to report any potential hate crimes occurring at your school or on your campus, including anti-Semitic hate crimes, to the FBI at [tips.fbi.gov](https://tips.fbi.gov) or 1-800-CALLFBI.

Thank you for your prompt response and cooperation.

Sincerely,



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Leo Terrell  
Senior Counsel to the Assistant Attorney General  
Civil Rights Division

# **EXHIBIT L**



## PRESS RELEASE

# Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism

Friday, February 28, 2025

**For Immediate Release**

Office of Public Affairs

The Federal Task Force to Combat Anti-Semitism announced that it will be visiting 10 university campuses that have experienced antisemitic incidents since October 2023. Created pursuant to President Trump's Executive Order on Additional Measures to Combat Anti-Semitism, the Task Force set as its first priority to eradicate antisemitic harassment in schools and on college campuses.

Leading Task Force member and Senior Counsel to the Assistant Attorney General for Civil Rights Leo Terrell informed the 10 universities yesterday that the Task Force was aware of allegations that the schools may have failed to protect Jewish students and faculty members from unlawful discrimination, in potential violation of federal law. Mr. Terrell said he intends for the Task Force to meet with university leadership, impacted students and staff, local law enforcement, and community members as it gathers information about these incidents and considers whether remedial action is warranted.

"The President, Attorney General Pamela Bondi, and the entire Administration are committed to ensuring that no one should feel unsafe or unwelcome on campus because of their religion," said Mr. Terrell. "The Task Force's mandate is to bring the full force of the federal government to bear in

our effort to eradicate Anti-Semitism, particularly in schools. These visits are just one of many steps this Administration is taking to deliver on that commitment.”

The 10 universities identified by the Task Force are: Columbia University; George Washington University; Harvard University; Johns Hopkins University; New York University; Northwestern University; the University of California, Los Angeles; the University of California, Berkeley; the University of Minnesota; and the University of Southern California.

If you have been discriminated against, you can file a complaint with the Civil Rights Division at [civilrights.justice.gov](https://civilrights.justice.gov). President Trump’s Executive Order can be found at [www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/](https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/).

*Updated February 28, 2025*

## Topic

**CIVIL RIGHTS**

## Component

[Civil Rights Division](#)

Press Release Number: 25-202

## Related Content

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**PRESS RELEASE****Arizona Man Convicted of Crimes Arising Out of Plot Targeting Christian Churches**

After an 11-day trial, a federal jury returned a guilty verdict yesterday against Zimnako Salah, 45, of Phoenix, Arizona, convicting him of strapping a backpack around the toilet of a...

April 4, 2025

**PRESS RELEASE****U.S. Department of Justice Announces Second Amendment Pattern-or-Practice Investigation into California's Los Angeles County**

Protecting the Second Amendment rights of ordinary, law-abiding Americans is a high priority for this Administration.

March 27, 2025

**PRESS RELEASE****Mississippi Man Indicted for Federal Civil Rights and Arson Charges for Setting Fire to Mormon Church**

A federal grand jury in Gulfport, Mississippi, returned a six-count superseding indictment today charging Stefan Day, also known as Stefan Pete Day Rowold, with federal civil rights and arson violations...

March 19, 2025



**Office of Public Affairs**

U.S. Department of Justice

950 Pennsylvania Avenue, NW  
Washington DC 20530



Office of Public Affairs Direct Line  
202-514-2007

Department of Justice Main Switchboard  
202-514-2000



# **EXHIBIT M**



U.S. General Services Administration

3/31/2025

MEMORANDUM FOR: DR. ALAN M. GARBER  
PRESIDENT  
HARVARD UNIVERSITY  
OFFICE OF THE PRESIDENT  
MASSACHUSETTS HALL  
CAMBRIDGE, MA 02138

PENNY PRITZKER  
LEAD MEMBER, HARVARD CORPORATION  
HARVARD CORPORATION  
MASSACHUSETTS HALL  
CAMBRIDGE, MA 02138

FROM: JOSH GRUENBAUM Signed by:  
Josh Gruenbaum  
2E0F9ABC0FC249F...  
COMMISSIONER, FEDERAL ACQUISITION SERVICE  
U.S. GENERAL SERVICES ADMINISTRATION (GSA)

SUBJECT: Review of Federal Government Contracts

Pursuant to President Trump's [Executive Order, "Additional Measures to Combat Anti-Semitism"](#), on February 3, 2025, a multi-agency Task Force to Combat Anti-Semitism was created, consisting of the Departments of Justice, Education, Health and Human Services, and the General Services Administration. GSA is leading a Task Force comprehensive review of Federal contracts with certain institutions of higher education that are being investigated for potential infractions and dereliction of duties to curb or combat anti-Semitic harassment, including Harvard University.

In light of this review, the Federal Government is ready to work with each appropriate contracting agency on the potential issuance of Stop Work Orders for all contracts identified in the attached schedule, which total \$255.6 million of contract ceiling value. In addition, we are requiring you to send a list of all other contracts between the Federal Government and Harvard University or its affiliates which are not listed on the schedule to GSA's Federal Acquisition Service Commissioner and Task Force member, Josh Gruenbaum. Commissioner Gruenbaum will lead GSA's review. All materials should be sent to: [universitycontracts@gsa.gov](mailto:universitycontracts@gsa.gov). Please be advised that alongside our fellow agencies, we will also be reviewing the greater than \$8.7 billion of multi-year grant commitments between Harvard University, its affiliates and the Federal Government for potential compliance concerns, false claims or other infractions.

The Federal Government reserves the right to terminate for convenience any contracts it has with your institution at any time during the period of performance. Additionally, the Federal Government reserves the right to take any relevant administrative action it deems necessary in response to any wrongdoing identified during the pendency of the investigations.

**Harvard University Contracts**

<b>PIID</b>	<b>Total</b>
75N93019C00071	\$59,780,198.00
75D30123C15938	\$35,974,963.35
75D30122C13330	\$24,899,418.92
75N93020C00038	\$24,785,826.00
75A50123F61001	\$15,160,532.00
75N93018C00047	\$13,600,565.07
75N93019C00044	\$10,921,287.73
75N92022F00004	\$8,878,380.66
75N93024C00020	\$8,330,482.00
H9240523C0009	\$8,000,000.00
75N95023C00008	\$6,000,000.00
75N92023F00002	\$5,328,657.65
75F40124F19004	\$4,725,363.72
75N93023C00040	\$3,300,145.00
75A50124F61002	\$3,196,979.25
36C24123C0107	\$3,183,776.76
75N92023F00004	\$2,828,859.60
75D30124C18869	\$2,333,872.00
75N95022C00011	\$1,283,262.00
75N92023F00005	\$1,153,450.00
75F40124C00128	\$978,324.00
36C24123C0010	\$965,701.00
36C24E24N0164	\$901,303.84
1332KP24C0023	\$749,987.00
75H70625F03015	\$733,936.08
75N95024P00263	\$700,106.00
36C24E23C0010	\$693,667.00
75N91024C00050	\$624,994.00
75N92024F00003	\$593,049.59
HQ003421P0116	\$527,008.00
75F40121C00195	\$523,446.46
75N92024F00001	\$454,782.87

PIID	Total
75P00122P00130	\$450,000.00
HR001124F0472	\$393,316.00
1305M324P0353	\$250,000.00
36C24E24C0020	\$249,369.84
61320624N0021	\$240,000.00
36C24125N0584	\$200,000.00
75N92024F00002	\$198,248.23
36C24E23P0093	\$176,364.70
N0622A25F00M9	\$175,576.00
693JK424P600056	\$150,734.00
36C24124P1077	\$133,437.84
75N92020P00316	\$105,616.00
36C24124P0799	\$95,468.00
36C24124N0860	\$95,196.00
36C24125N0450	\$95,196.00
36C26224P2055	\$74,860.00
33131225P00515580	\$63,601.64
HQ003424P0162	\$52,500.00
75N91024P00647	\$49,852.00
36C24124N0918	\$45,755.00
33131225P00515921	\$32,550.00
33312724P00511562	\$32,000.00
36C24124N0861	\$27,356.00
80NSSC24PC295	\$25,800.00
70RDA225P00000009	\$25,800.00
75N91024P00712	\$19,425.00
693JK425P600004	\$18,600.00
75N95024K00002	\$16,000.00
720SEC25PC00016	\$11,200.00
123A9425P0002	\$10,500.00
36C24125N0008	\$10,000.00

# **EXHIBIT N**

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**From:** Josh Gruenbaum - Q <[josh.gruenbaum@gsa.gov](mailto:josh.gruenbaum@gsa.gov)>  
**Sent:** Monday, March 31, 2025 3:17 PM  
**To:** Garber, Alan M <[alan\\_garber@harvard.edu](mailto:alan_garber@harvard.edu)>  
**Cc:** Alan M. Garber <[president@harvard.edu](mailto:president@harvard.edu)>  
**Subject:** Official notice: Task Force to Combat Anti-Semitism review of Federal Contracts and Grants Held by Harvard University

Dr. Garber,

Consistent with my role as the Commissioner of the General Service Administration's Federal Acquisition Service, and as a member of the Federal Government's Task Force to Combat Anti-Semitism, I am notifying you that GSA is leading a Task Force comprehensive review of all Federal contracts and grants held by Harvard University and its affiliates. This review is being conducted in support of President Trump's [Executive Order](#), "[Additional Measures to Combat Anti-Semitism](#)", on February 3, 2025.

Please find attached to this email the signed memorandum supporting this action. This memorandum includes additional requirements that Harvard University and its affiliates need to meet as part of this review.

Respectfully,

Josh Gruenbaum  
Commissioner, Federal Acquisition Service  
U.S. General Services Administration

# **EXHIBIT O**



**From:** Josh Gruenbaum - Q <[josh.gruenbaum@gsa.gov](mailto:josh.gruenbaum@gsa.gov)>  
**Sent:** Thursday, April 3, 2025 5:27:50 PM  
**To:** Alan Garber <[alan\\_garber@harvard.edu](mailto:alan_garber@harvard.edu)>; Robert Hur <[RHur@kslaw.com](mailto:RHur@kslaw.com)>;  
[williamburck@quinnemanuel.com](mailto:williamburck@quinnemanuel.com) <[williamburck@quinnemanuel.com](mailto:williamburck@quinnemanuel.com)>;  
[president@harvard.edu](mailto:president@harvard.edu) <[president@harvard.edu](mailto:president@harvard.edu)>  
**Cc:** Keveney, Sean (HHS/OGC) <[sean.keveney@hhs.gov](mailto:sean.keveney@hhs.gov)>; Wheeler, Thomas  
<[Thomas.Wheeler@ed.gov](mailto:Thomas.Wheeler@ed.gov)>  
**Subject:** Official Notice: Task Force to Combat Anti-Semitism Letter of Demands to Harvard University

**CAUTION: MAIL FROM OUTSIDE THE FIRM**

Dr. Garber,

On behalf of the Federal Government's Task Force to Combat Anti-Semitism, I am sending you an official notice of pre-conditions your institution must comply with in order to be in good standing and continue to be the recipient of federal taxpayer dollars.

We look forward to your response.

Respectfully,

Josh Gruenbaum  
Commissioner, Federal Acquisition Service  
U.S. General Services Administration



**U.S. General Services Administration**

**Josh Gruenbaum, Esq.**

Commissioner of Federal Acquisition Service

202-815-3780

[josh.gruenbaum@gsa.gov](mailto:josh.gruenbaum@gsa.gov)

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# **EXHIBIT P**



April 03, 2025

Dr. Alan M. Garber  
President  
Harvard University  
Office of the President  
Massachusetts Hall  
Cambridge, MA 02138

Penny Pritzker  
Lead Member, Harvard Corporation  
Harvard Corporation  
Massachusetts Hall  
Cambridge, MA 02138

Dear Dr. Garber:

Please consider this a formal communication with respect to the current situation on the campus of Harvard University and a follow up to the March 31, 2025, letter from Commissioner Gruenbaum informing you that the United States Government would be reviewing Harvard's federal funding. Harvard has asked for a dialogue with the Task Force to discuss this ongoing review. Below, you will find several broad, non-exhaustive areas of reform that the government views as necessary for Harvard to implement to remain a responsible recipient of federal taxpayer dollars. We look forward to a meaningful dialogue focused on lasting, structural reforms at Harvard.

U.S. taxpayers invest enormously in U.S. colleges and universities, including Harvard University. These funds are an investment and, like any investment, are based on the recipient's performance, not owed as a matter of custom or right. It is the responsibility of the federal government to ensure that all recipients are responsible stewards of taxpayer funds. Harvard University, however, has fundamentally failed to protect American students and faculty from antisemitic violence and harassment in addition to other alleged violations of Title VI and Title VII of the Civil Rights Act of 1964. This letter outlines immediate next steps that we regard as necessary for Harvard University's continued financial relationship with the United States government.

- **Oversight and accountability for biased programs that fuel antisemitism.** Programs and departments that fuel antisemitic harassment must be reviewed and necessary changes made to address bias, improve viewpoint diversity, and end ideological capture.
- **Disciplinary reform and consistent accountability.** Harvard has an obligation to consistently and proactively enforce its existing disciplinary policies, ensuring that senior administrative leaders are responsible for final decisions. Reforms must include a

comprehensive mask ban (with medical and religious exemptions, given identification is always displayed) and a clarified time, place, and manner policy. Harvard must review and report on disciplinary actions for antisemitic rule violations since October 7, 2023.

- **Student group accountability.** Recognized and unrecognized student groups, and their leadership, must be held accountable for violations of Harvard policy.
- **Governance and leadership reforms.** Harvard must make meaningful governance reforms to improve its organizational structure to foster clear lines of authority and accountability, and to empower faculty and administrative leaders who are committed to implementing the changes indicated in this letter.
- **Merit-based admissions reform.** Harvard must adopt and implement merit-based admissions policies; cease all preferences based on race, color, or national origin in admissions throughout its undergraduate, graduate, and other programs; and demonstrate through structural and personnel action that these changes are durable.
- **Merit-based hiring reform.** Harvard must adopt and implement merit-based hiring policies; cease all preferences based on race, color, religion, sex, or national origin in hiring throughout its teaching and research faculty, staff, and leadership; and demonstrate through structural and personnel action that these changes are durable.
- **Diversity, Equity, and Inclusion (DEI) programs.** DEI programs teach students, faculty, staff, and leadership to make snap judgments about each other based on crude race and identity stereotypes, which fuels division and hatred based on race, color, national origin, and other protected identity characteristics. All efforts should be made to shutter such programs.
- **Cooperation with law enforcement.** Harvard must cooperate with law enforcement to ensure student safety.
- **Transparency and reporting to ED, DHS, and other federal regulators.** Harvard must comply fully with existing statutory reporting requirements under Section 117 of the Higher Education Act, commit to full cooperation with DHS and other federal regulators, and make organizational changes as necessary to enable full compliance.

We expect your immediate cooperation in implementing these critical reforms that will enable Harvard to return to its original mission of providing a high-quality education in a safe environment for *all* students through a focus on truth-seeking, innovative research, and academic excellence.

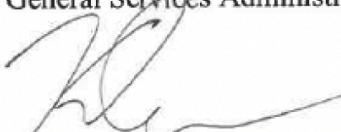
Sincerely,



Josh Gruenbaum  
Comm'r of the Fed. Acquisition Serv.  
General Services Administration



Sean R. Keveney  
Acting General Counsel  
U.S. Dep't Health & Human Servs.



Thomas E. Wheeler  
Acting General Counsel  
U.S. Dept. of Education