No. 25-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, ET AL.,
Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.
Defendants-Appellees.

On Appeal from the United States District Court for the
Southern District of New York
Case No. 1:25-cv-02429-MKV (Hon. Mary Kay Vyskocil)

JOINT APPENDIX (JA587 – JA768)
VOLUME 5 OF 8

Orion Danjuma
Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
orion.danjuma@protectdemocracy.org
rachel.goodman@protectdemocracy.org

Eve H. Cervantez
Matthew J. Murray
Connie K. Chan
Juhyung Harold Lee
Jonathan Rosenthal
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Tel: (415) 421-7151
Fax: (415) 362-8064
ecervantez@altber.com
mmurray@altber.com
cchan@altber.com
hlee@altber.com
jrosenthal@altber.com

Additional counsel for Plaintiffs-Appellants:

Katie Schwartzmann
Protect Democracy Project
201 St. Charles Avenue, Ste. 114
New Orleans, LA 70170
Tel: (202) 579-4582
Fax: (202) 769-3176
katie.schwartzmann@protectdemocracy.org

Richard Primus
The University of Michigan Law School
(institutional affiliation provided for identification purposes only; not representing the University)
625 S. State Street
Ann Arbor, MI 48109
Tel: (734) 647-5543
Fax: (734) 764-8309
PrimusLaw1859@gmail.com

JOINT APPENDIX
TABLE OF CONTENTS

Tab. No.	Docket No.	Date Filed	Description	Page No.
Volume 1				
1			District Court Docket Sheet	JA1
Volume 2				
2	1	03/25/25	Complaint	JA26
3	27	04/03/25	Declaration of Todd Wolfson	JA113
4	28	04/03/25	Declaration of Julie Schmid & Exhibit A (*Condemning Hate and Affirming Freedom of Speech on Campus*, American Federation of Teachers (Nov. 9, 2023))	JA121
5	29	04/03/25	Declaration of Reinhold Martin	JA135
6	29-1	04/03/25	Exhibit A to the Declaration of Reinhold Martin (March 7, 2025 Email from Katrina Armstrong)	JA152
7	30	04/03/25	Declaration of Susan Witte	JA155
8	31	04/03/25	Declaration of Victoria Frye	JA164
9	32	04/03/25	Declaration of Jennifer S. Hirsch	JA169
10	45	04/03/25	Declaration of Veena Dubal	JA178
11	45-1	04/03/25	Exhibit A to the Declaration of Veena Dubal (March 24, 2025 Email from Danna Drori)	JA182
12	47	04/04/25	Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA187
13	47-1	04/04/25	Exhibit 1 to the Declaration of Jonathan Rosenthal (Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020))	JA202

14	47-2	04/04/25	Exhibit 2 to the Declaration of Jonathan Rosenthal (Muzaffer Kaya, *Turkey's Purge of Critical Academia*, Middle East Report 288 (Fall 2018))	JA205
15	47-3	04/04/25	Exhibit 3 to the Declaration of Jonathan Rosenthal (Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*, International Research Group on Authoritarianism and Counter-Strategies (July 22, 2021))	JA217
16	47-4	04/04/25	Exhibit 4 to the Declaration of Jonathan Rosenthal (*Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DJTFP 2024 (July 17, 2024))	JA225
17	47-5	04/04/25	Exhibit 5 to the Declaration of Jonathan Rosenthal (*Agenda47: The American Academy*, DJTFP 2024 (Nov. 1, 2023))	JA229
18	47-6	04/04/25	Exhibit 6 to the Declaration of Jonathan Rosenthal (Henry Reichman, *'The Professors Are the Enemy' Right-wing attacks on academic freedom have real repercussions.*, The Chronicle of Higher Education (Dec. 14, 2021))	JA233
19	47-7	04/04/25	Exhibit 7 to the Declaration of Jonathan Rosenthal (Rod Dreher, *"I would like to see European elites actually listen to their people for a change": An Interview with J.D. Vance*, The European Conservative (Feb. 22, 2024))	JA240
20	47-8	04/04/25	Exhibit 8 to the Declaration of Jonathan Rosenthal (*Leo Terrell, Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism On Campus*, HughHewitt & Duane Patterson (March 19, 2025))	JA252
21	47-9	04/04/25	Exhibit 9 to the Declaration of Jonathan Rosenthal (Feb. 17, 2025 Letter to Georgetown Law School from Edward R. Martin, Jr.)	JA259

22	47-10	04/04/25	Exhibit 10 to the Declaration of Jonathan Rosenthal (Jan Claassen, MD, et al., *Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness*, Columbia University Irving Medical Center (March 3, 2025))	JA262
23	48-1	04/04/25	Exhibit 11 to the Declaration of Jonathan Rosenthal (Timothy Wang, MD, et al., *Nerves Electrify Stomach Cancer, Sparking Growth and Spread*, Columbia University Irving Medical Center (Feb. 19, 2025))	JA269
24	48-2	04/04/25	Exhibit 12 to the Declaration of Jonathan Rosenthal (Julia Wattacheril, MD, MPH, *Training Your Electronic Health Record to Think Like a Liver Doctor*, Columbia University Irving Medical Center (Feb. 20, 2025))	JA277
25	48-3	04/04/25	Exhibit 13 to the Declaration of Jonathan Rosenthal (Financial Overview of Columbia University)	JA283
Volume 3				
26	48-4	04/04/25	Exhibit 14 to the Declaration of Jonathan Rosenthal (Economic Impact of Columbia University)	JA290
27	48-5	04/04/25	Exhibit 15 to the Declaration of Jonathan Rosenthal (Ian Bogost, *A New Kind of Crisis for American Universities*, The Atlantic (Feb. 10, 2025))	JA299
28	48-6	04/04/25	Exhibit 16 to the Declaration of Jonathan Rosenthal (Willem Marx, *Campus protests over the war in Gaza have gone international*, NPR (May 3, 2024))	JA312
29	48-7	04/04/25	Exhibit 17 to the Declaration of Jonathan Rosenthal (Executive Order 14188 Additional Measures To Combat Anti-Semitism (January 29, 2025))	JA321
30	48-8	04/04/25	Exhibit 18 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Justice Department Announces Formation of Task Force to Combat*	JA324

			Anti-Semitism, U.S. Department of Justice (Feb. 3, 2025))	
31	48-9	04/04/25	Exhibit 19 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. Department of Education (Feb. 3, 2025))	JA328
32	48-10	04/04/25	Exhibit 20 to the Declaration of Jonathan Rosenthal (*Statement on Notice From U.S. Department of Education Office of Civil Rights*, Columbia University Office of Public Affairs (Feb. 3, 2025))	JA331
33	49-1	04/04/25	Exhibit 21 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses*, U.S. General Services Administration (March 3, 2025))	JA334
34	49-2	04/04/25	Exhibit 22 to the Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (March 4, 2025))	JA338
35	49-3	04/04/25	Exhibit 23 to the Declaration of Jonathan Rosenthal (*DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth $400 million*, U.S. General Services Administration (March 7, 2025))	JA340
36	49-4	04/04/25	Exhibit 24 to the Declaration of Jonathan Rosenthal (Matthew Haag et al., *Decades Ago, Columbia Refused to Pay Trump $400 Million*, The New York Times (March 21, 2025))	JA345
37	49-5	04/04/25	Exhibit 25 to the Declaration of Jonathan Rosenthal (*Responding to Federal Action*, Columbia Office of the President (March 7, 2025))	JA352
38	49-6	04/04/25	Exhibit 26 to the Declaration of Jonathan Rosenthal (March 13, 2025 Letter to Columbia University	JA356

39	49-7	04/04/25	Exhibit 27 to the Declaration of Jonathan Rosenthal (*Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia*, Columbia University)	JA359
40	49-8	04/04/25	Exhibit 28 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA Respond to Columbia University's Actions to Comply with Joint Task Force Pre-Conditions*, U.S. Department of Health and Human Services (March 24, 2025))	JA364
41	49-9	04/04/25	Exhibit 29 to the Declaration of Jonathan Rosenthal (X Post from NIH (March 10, 2025))	JA369
42	49-10	04/04/25	Exhibit 30 to the Declaration of Jonathan Rosenthal (Caroline Lewis, *Hundred of research grants at Columbia canceled following Trump edict, administrator says*, Gothamist (March 11, 2025))	JA372
43	50-1	04/04/25	Exhibit 31 to the Declaration of Jonathan Rosenthal (Spreadsheet of Awards)	JA377
44	50-2	04/04/25	Exhibit 32 to the Declaration of Jonathan Rosenthal (Ryan Quinn, *Trump's Columbia Cuts Start Hitting Postdocs, Professors*, Inside Higher Ed (March 13, 2025))	JA420
45	50-3	04/04/25	Exhibit 33 to the Declaration of Jonathan Rosenthal (Humberto Basilio, *'My career is over': Columbia University scientists hit hard by Trump team's cuts*, Nature ((March 14, 2025))	JA428
46	50-4	04/04/25	Exhibit 34 to the Declaration of Jonathan Rosenthal (Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*, The New York Times (March 18, 2025))	JA435
47	50-5	04/04/25	Exhibit 35 to the Declaration of Jonathan Rosenthal (Jason Mast, *Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research*, Stat News (March 11, 2025))	JA442

48	50-6	04/04/25	Exhibit 36 to the Declaration of Jonathan Rosenthal (Isabella Cueto, *ME/CFS research program shuts down at Columbia after Trump cuts*, Stat News (March 19, 2025))	JA448
49	50-7	04/04/25	Exhibit 37 to the Declaration of Jonathan Rosenthal (March 30, 2025 Open letter in response to federal funding cuts at Columbia)	JA453
Volume 4				
50	50-8	04/04/25	Exhibit 38 to the Declaration of Jonathan Rosenthal (Mark Alfred, *The Trump Administration Cut Cancer and Alzheimer's Research Funding at Columbia University*, Notus (March 18, 2025))	JA477
51	50-9	04/04/25	Exhibit 39 to the Declaration of Jonathan Rosenthal (Thomas Bailey, *Update in Light of March 7 Federal Announcement*, Teachers College of Columbia University (March 7, 2025))	JA483
52	50-10	04/04/25	Exhibit 40 to the Declaration of Jonathan Rosenthal (Jocelyn Kaiser, *After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts*, Science (March 18, 2025))	JA486
53	51-1	04/04/25	Exhibit 41 to the Declaration of Jonathan Rosenthal (Congressional Record, Senate (April 7, 1964))	JA490
54	51-2	04/04/25	Exhibit 42 to the Declaration of Jonathan Rosenthal (Congressional Record, House of Representatives (Feb. 7, 1964))	JA497
55	51-3	04/04/25	Exhibit 43 to the Declaration of Jonathan Rosenthal (Abigail A. Graber, *Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964*, Congressional Research Service (Sept. 17, 2024))	JA504
56	51-4	04/04/25	Exhibit 44 to the Declaration of Jonathan Rosenthal (Jared P. Cole, *Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of*	JA511

			1964, Congressional Research Service (April 4, 2019))	
57	51-5	04/04/25	Exhibit 45 to the Declaration of Jonathan Rosenthal (*Case Processing Manual*, U.S. Department of Education Office for Civil Rights (Feb. 19, 2025))	JA539
58	51-6	04/04/25	Exhibit 46 to the Declaration of Jonathan Rosenthal (*Upholding Our Values*, Columbia Office of the President (Oct. 18, 2023))	JA572
59	51-7	04/04/25	Exhibit 47 to the Declaration of Jonathan Rosenthal *(Standing in Solidarity*, Columbia Office of the President (Oct. 27, 2023))	JA575
60	51-8	04/04/25	Exhibit 48 to the Declaration of Jonathan Rosenthal (*Task Force on Antisemitism*, Columbia University	JA578
Volume 5				
61	51-9	04/04/25	Exhibit 49 to the Declaration of Jonathan Rosenthal (*Announcing Task Force on Antisemitism*, Columbia Office of the President (Nov. 1, 2023))	JA587
62	51-10	04/04/25	Exhibit 50 to the Declaration of Jonathan Rosenthal (*About the Task Force on Antisemitism*, Columbia University)	JA590
63	52-1	04/04/25	Exhibit 51 to the Declaration of Jonathan Rosenthal (*Report #1: Task Force on Antisemitism Columbia University's Rules on Demonstrations*, Columbia University (March 2024))	JA593
64	52-2	04/04/25	Exhibit 52 to the Declaration of Jonathan Rosenthal (*President Shafik Welcomes the First Set of Recommendations From the Task Force on Antisemitism*, Columbia Office of the President (March 4, 2024))	JA612
65	52-3	04/04/25	Exhibit 53 to the Declaration of Jonathan Rosenthal (*Report #2: Task Force on Antisemitism*, Columbia University (Aug. 2024))	JA615

66	52-4	04/04/25	Exhibit 54 to the Declaration of Jonathan Rosenthal (*Combatting Antisemitism*, Columbia Office of the President)	JA620
67	52-5	04/04/25	Exhibit 55 to the Declaration of Jonathan Rosenthal (*University Statement Regarding UJB Determinations*, Columbia University Office of Public Affairs (March 13, 2025))	JA625
68	52-6	04/04/25	Exhibit 56 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism*, U.S. Department of Justice (Feb. 28, 2025))	JA628
69	52-7	04/04/25	Exhibit 57 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment*, U.S. Department of Education (March 10, 2025))	JA632
70	52-8	04/04/25	Exhibit 58 to the Declaration of Jonathan Rosenthal (Maya Sulkin, *Columbia University Says One Thing to Trump Admin—and Another in Private*, The Free Press (March 25, 2025))	JA637
71	52-9	04/04/25	Exhibit 59 to the Declaration of Jonathan Rosenthal (*A Message from Dr. Katrina A. Armstrong*, Columbia University Office of Public Affairs (March 28, 2025))	JA642
72	52-10	04/04/25	Exhibit 60 to the Declaration of Jonathan Rosenthal (*Joint Task Force statement regarding Columbia University's steps to advance negotiations*, U.S. General Services Administration (March 28, 2025))	JA645
73	52-11	04/04/25	Exhibit 61 to the Declaration of Jonathan Rosenthal (Eugene Volokh et al., *A Statement from*	JA648

			Constitutional Law Scholars on Columbia, The New York Review (March 20, 2025))	
74	93	05/01/25	Declaration of Josh Gruenbaum in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA653
75	93-1	05/01/25	Exhibit A to the Declaration of Josh Gruenbaum (March 3, 2025 Memorandum to Columbia University from Josh Gruenbaum)	JA657
76	94	05/01/25	Declaration of Allison M. Rovner in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA661
77	94-1	05/01/25	Exhibit A to the Declaration of Allison Rovner (March 7, 2025 Letter to the Trustees of Columbia University from Mark Washington)	JA663
78	94-2	05/01/25	Exhibit B to the Declaration of Allison Rovner (March 7, 2025 Letter to the Teachers College Columbia University from Mark Washington)	JA666
79	94-3	05/01/25	Exhibit C to the Declaration of Allison Rovner (Oral Argument Transcript of Mahmoud Kahil et al., v. The Trustees of Columbia University in the City of New York, et al. (March 25, 2025))	JA669
80	99	05/08/25	Reply Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA674
81	99-1	05/08/25	Exhibit 62 to the Reply Declaration of Jonathan Rosenthal (Sara Reardon, *Exclusive: NIH freezes all research grants to Columbia University,* Science (April 9, 2025))	JA680
82	99-2	05/08/25	Exhibit 63 to the Reply Declaration of Jonathan Rosenthal (Maddie Khaw, *All of Columbia's NIH Funding Is Apparently Frozen. Here's What That Looks Like for One Researcher*, Chronicle (April 11, 2025))	JA683

83	99-3	05/08/25	Exhibit 64 to the Reply Declaration of Jonathan Rosenthal (April 11, 2025 Letter to Harvard University)	JA690
84	99-4	05/08/25	Exhibit 65 to the Reply Declaration of Jonathan Rosenthal (Michael C. Bender et al., *Inside Trump's Pressure Campaign on Universities*, The New York Times (April 14, 2025))	JA696
85	99-5	05/08/25	Exhibit 66 to the Reply Declaration of Jonathan Rosenthal (*Sustaining Columbia's Vital Mission*, Columbia Office of the President (April 14, 2025))	JA714
86	99-6	05/08/25	Exhibit 67 to the Reply Declaration of Jonathan Rosenthal (April 14, 2025 Letter from Harvard University)	JA717
87	99-7	05/08/25	Exhibit 68 to the Reply Declaration of Jonathan Rosenthal (*Joint Task Force to Combat Anti-Semitism Statement Regarding Harvard University*, U.S. Department of Education (April 14, 2025))	JA720
88	99-8	05/08/25	Exhibit 69 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *The Little-Known Bureaucrats Tearing Through American Universities*, The Wall Street Journal (April 14, 2025))	JA722
89	99-9	05/08/25	Exhibit 70 to the Reply Declaration of Jonathan Rosenthal (Alan Blinder, *Trump Has Targeted These Universities. Why?*, The New York Times (April 15, 2025))	JA732
90	99-10	05/08/25	Exhibit 71 to the Reply Declaration of Jonathan Rosenthal (*Miguel S. Urquiola*, Columbia Office of the Provost)	JA739
91	99-11	05/08/25	Exhibit 72 to the Reply Declaration of Jonathan Rosenthal (Meghnad Bose et al., *Inside Columbia's Betrayal of its Middle Eastern Studies Department*, The Intercept (April 16, 2025))	JA742

92	99-12	05/08/25	Exhibit 73 to the Reply Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (April 16, 2025))	JA755
93	99-13	05/08/25	Exhibit 74 to the Reply Declaration of Jonathan Rosenthal (Anil Oza et al., *NIH said to have halted awarding of new grants to more top universities*, Stat News (April 18, 2025))	JA757
94	99-14	05/08/25	Exhibit 75 to the Reply Declaration of Jonathan Rosenthal (X Post from Max Kozlov (April 18, 2025))	JA760
95	99-15	05/08/25	Exhibit 76 to the Reply Declaration of Jonathan Rosenthal (Nandika Chatterjee, *Trump Takes Personal Revenge on Harvard's Lawyer for Standing Up to Him*, Daily Beast (April 24, 2025))	JA762
Volume 6				
96	99-16	05/08/25	Exhibit 77 to the Reply Declaration of Jonathan Rosenthal (May 5, 2025 Letter to Hard University from Linda E. McMahon)	JA769
97	99-17	05/08/25	Exhibit 78 to the Reply Declaration of Jonathan Rosenthal (*Preserving Columbia's Critical Research Capabilities*, Columbia Office of the President (May 6, 2025))	JA773
98	99-18	05/08/25	Exhibit 79 to the Reply Declaration of Jonathan Rosenthal (Diabetes Prevention Program et al., *An open letter to the Columbia administration*, Columbia Spectator (May 4, 2025))	JA777
99	99-19	05/08/25	Exhibit 80 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *Trump Administration Proposes Terms for Federal Oversight of Columbia University*, The Wall Street Journal (May 5, 2025))	JA781
100	100	05/08/25	Supplemental Declaration of Todd Wolfson	JA785

101	101	05/08/25	Supplemental Declaration of Julie Schmid	JA796
102	102	05/08/25	Supplemental Declaration of Reinhold Martin	JA800
103	103	05/08/25	Declaration of Joshua Jacobs	JA804
104	104	05/08/25	Declaration of Jamie Daw	JA812
105	105	05/08/25	Declaration of Abigail Greenleaf	JA818
106	121	05/20/25	Order Denying Requests to Seal	JA823
107	124	05/23/25	Declaration of Matthew Murray in Support of Plaintiffs' Motion for Preliminary Injunction	JA829
108	124-1	05/23/25	Exhibit A to the Declaration of Matthew Murray (*HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law*, U.S. Department of Health and Human Services (May 22, 2025))	JA831
109	128	05/23/25	Declaration of Ezra Susser (Witness B)	JA836
110	129	05/23/25	Declaration of Joseph Slaughter (Witness C)	JA844
111	130	05/23/25	Declaration of Joel Swanson (Witness D)	JA849
112	131	05/23/25	Declaration of Andrew Geneslaw (Witness K)	JA857
113	132	05/23/25	Declaration of Alex de Sherbinin (Witness L)	JA863
114	133	05/23/25	Declaration of Mary Beth Terry (Witness M)	JA868
115	134	05/23/25	Declaration of Steven Chillrud (Witness N)	JA873
Volume 7				
116	136	05/23/25	Declaration of Teresa Javenic (Witness O)	JA879
117	137	05/23/25	Supplemental Declaration of Joseph Slaughter (Witness C)	JA886

118	138	05/23/25	Supplemental Declaration of Andrew Geneslaw (Witness K)	JA889
119	139	05/23/25	Amended Declaration of Melanie Wall (Witness A)	JA892
120	140	05/23/25	Amended Declaration of Safia Southey (Witness E)	JA899
121	141	05/23/25	Amended Declaration of Anne Li (Witness I)	JA903
122	142-1	05/23/25	Amended Declaration of Jon Lorsch, Ph.D	JA907
123	142-2	05/23/25	Exhibit A to the Amended Declaration of Jon Lorsch (*NIH Grants Policy Statement,* National Institutes of Health (April 2024))	JA914
124	142-3	05/23/25	Exhibit B to the Amended Declaration of Jon Lorsch (Dorothy A. Fink, *Secretarial Directive on DEI-Related Funding*, Department of Health & Human Services (Feb. 10, 2025))	JA921
125	142-4	05/23/25	Exhibit C to the Amended Declaration of Jon Lorsch (Matthew J. Memoli, M.D., *Directive on NIH Priorities*, National Institutes of Health (Feb. 21, 2025))	JA924
126	142-5	05/23/25	Exhibit D to the Amended Declaration of Jon Lorsch (March 10, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA927
127	142-6	05/23/25	Exhibit E to the Amended Declaration of Jon Lorsch (March 14, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA930
128	142-7	05/23/25	Exhibit F to the Amended Declaration of Jon Lorsch (March 7, 2025 Notification of Termination of Multiple Task Orders to the Trustees of Columbia University from Alice Pagán Pereira)	JA933
129	149	06/16/25	Notice of Appeal	JA935
Volume 8				

130	145	05/29/25	Amended Declaration of Witness J (To be filed UNDER SEAL and included in Joint Appendix contingent upon this Court's grant of Plaintiffs' Unopposed Motion to File Under Seal)	JA937

EXHIBIT 49

COLUMBIA | OFFICE OF THE PRESIDENT

ANNOUNCEMENTS

Announcing Task Force on Antisemitism

November 01, 2023

Dear fellow members of the Columbia, Barnard, and Teachers College communities,

Today we are announcing the formation of a Task Force on Antisemitism to enhance our ability to address this ancient, but terribly resilient, form of hatred. We are taking this step as part of a commitment to ensuring that our campuses are safe, welcoming, and inclusive for Jewish students, faculty, and staff, and all of us.

One would hope that by the twenty-first century, antisemitism would have been relegated to the dustbin of history. But it has been rising here in New York City, across the country, and around the world in recent years. We also know that antisemitism can escalate during conflicts far from our campuses, translating into hateful speech and acts directed at Jewish people here at Columbia, Barnard, and Teachers College. We have been distressed that a series of antisemitic incidents on campus have been reported in the three weeks following the October 7 terror attack in Israel and outbreak of war in Gaza.

We want to reiterate that we will not tolerate such actions and are moving forcefully against antisemitic threats, images, and other violations as they are reported, and we will continue to provide additional resources to protect our campuses. But we also need to address the root causes. The Task Force on Antisemitism will be a critical tool for making our institutions more inclusive and compassionate.

In the coming months, the task force will identify practical ways for our safety and inclusion work to enhance support for all members of the Columbia, Barnard, and Teachers College communities, particularly our Jewish students. Longer term, it will recommend more ambitious changes related to academic and extracurricular offerings and student, faculty, and staff training programs.

We are pleased that the task force will be led by Ester Fuchs, Professor of International and Public Affairs and Political Science and Director of the Urban and Social Policy Program at SIPA; Nicholas Lemann, Joseph Pulitzer II and Edith Pulitzer Moore Professor of Journalism and Dean Emeritus of Columbia Journalism School; and David M. Schizer, Harvey R. Miller Professor of Law and Economics and Dean Emeritus of Columbia Law School. In the coming days, we will appoint Barnard and Teachers College co-chairs along with additional diverse task force members from the three institutions, and build the foundation for a thoughtful, rigorous, and impactful process.

Community and values don't stand on their own. We must constantly reaffirm and reinforce them with action. The Task Force on Antisemitism represents the first in a series of steps we will be announcing in the coming days to reinvigorate community-building, develop robust support networks, and tackle head-on the destructive forces that seek to undermine our values and divide us across a range of issues. This is an opportunity for every academic

department, every faculty member and teaching assistant, every member of the administration, and every member of the Columbia, Barnard, and Teachers College student family to bring their ideas, life experiences, and spirit to help us emerge as a stronger and more cohesive community.

Sincerely,

Minouche Shafik
President, Columbia University in the City of New York

Laura Ann Rosenbury
President, Barnard College

Thomas R. Bailey
President, Teachers College

News

March 19, 2025
Our Next Steps

March 15, 2025
Standing Together for Columbia

March 13, 2025
Standing Together for Columbia, March 15, 2025

March 13, 2025
Update to Our Community Regarding DHS Activity Tonight

March 13, 2025
Columbia's Commitment to Our International Community

EXHIBIT 50



About the Task Force on Antisemitism

The Columbia Task Force on Antisemitism was created by Columbia University President Minouche Shafik, Barnard College President Laura Ann Rosenbury, and Teachers College President Thomas R. Bailey to address the harmful impact of rising antisemitism on Columbia's Jewish community and to ensure that protection, respect, and belonging extends to everyone. Antisemitism has been rising around the world, around the country, and in New York City, and Columbia is far from immune. We must urgently address the reality that Jewish members of our three interconnected institutions feel vulnerable to antisemitic bias and harassment and lack the sense of belonging that should be shared by all of us.

The task force is being led by Ester R. Fuchs, Professor of International and Public Affairs and Political Science and Director of the Urban and Social Policy Program at SIPA; Nicholas Lemann, Joseph Pulitzer II and Edith Pulitzer Moore Professor of Journalism and Dean Emeritus of Columbia Journalism School; and David M. Schizer, Harvey R. Miller Professor of Law and Economics and Dean Emeritus of Columbia Law School. The task force members are a diverse group of faculty from across the University equipped to assess where policies, practices and other tools and programs can be enhanced to improve the ability of Jewish students to learn and thrive on campus free from bias and harassment.

Task Force on Antisemitism Homepage

Members of the Task Force on Antisemitism Report #1 Report #2

Scope

The task force is focused on understanding how antisemitism manifests on campus and ways to improve the climate for Jewish students, faculty, and staff. Antisemitism most directly threatens the Jewish community. But it is also an affront to the core values of our community. And fighting it should not be the responsibility of Jews alone nor can progress be achieved by the administration alone. Every member of the Columbia community has a role to play in helping Jews and all communities feel safe and included. We expect that many task force findings and recommendations will also bolster efforts to prevent and mitigate all forms of hate, bigotry, and bias—and to improve the health of our campus as a welcoming place to learn and thrive.

The task force will work on three broad initiatives. First, it will engage in a serious and honest assessment of the sources and extent of the discomfort that many Jewish members of the Columbia community feel. This will take the form of listening sessions with students, faculty, staff, and others most directly affected. In this initiative, the task force will also seek insights and perspectives from a broad array of professionals who touch the lives of students, from faculty to teaching assistants to Residential Life professionals. The task force will document these various experiences and perspectives, so everyone in the Columbia community can gain a deeper understanding of the relevant challenges and the dynamics contributing to them.

Second, the Task Force on Antisemitism will review University policies, rules, and practices that impact the campus climate to make sure they protect the University's core commitment to free speech, as well as to a safe and inclusive environment for all Columbians, including Columbia's Jewish community. This work will be done in consultation with the University Senate and other governing bodies.

Third, the task force will also propose various other ways to sensitize the entire community to antisemitism, to counter it more effectively, and to support Jews at Columbia. It will also consider ways that academic and intellectual life can be enhanced to promote Jewish studies and ensure that it fully embodies the principles of free expression and viewpoint diversity.

The task force will make recommendations in stages, beginning in early 2024 in effort to have the most immediate possible impact. Longer term, it will recommend more ambitious changes that will help institutionalize and sustain progress toward an improved campus climate.

Areas of Focus

Review University policies, rules and practices that impact campus climate to make sure they are consistent, well-aligned and that they are being applied fairly and consistently in ways that protect students and honor Columbia's bedrock commitment to academic freedom and free expression.

Building awareness, understanding, and solidarity. The task force will propose approaches to better sensitize the entire community about antisemitism, how it functions and ways to counter it and to support Jews at Columbia. Extracurricular offerings and many facets of campus life can help strengthen social support networks by fostering cross community conversations, solidarity and understanding.

Academic and intellectual life can be enhanced to promote Jewish studies as well as to ensure that it fully embodies the principles of free expression and viewpoint diversity.

EXHIBIT 51

Case: 25-1529, 09/22/2025, DktEntry: 37.1, Page 24 of 199
Case 1:25-cv-02429-MKV Document 53-1 Filed 04/14/25 Page 2 of 19

Report #1: Task Force on Antisemitism

Columbia University's Rules on Demonstrations [1]

March 2024



(1) *This report reflects the research and analysis of members of the Task Force's rules working group: David M. Schizer (Co-Chair, Law School), who drafted the report, as well as R. Glenn Hubbard (Business School), Magda Schaler-Haynes (Mailman School of Public Health), Matthew C. Waxman (Law School), and Gil Zussman (Fu Foundation School of Engineering and Applied Science). Extensive input also was provided by the other members of the Task Force: Clémence Boulouque (Department of Religion), Peter Coleman (Affiliate Co-Chair, Teachers College), Jeremy A. Dauber (Department of Germanic Languages), Ester Fuchs (Co-Chair, SIPA), Rebecca Kobrin (Department of History), Jennifer Lee (Department of Sociology), Nicholas Lemann (Co-Chair, Journalism School), Lisa Rosen-Metsch (General Studies), Nir Uriel (Columbia University Irving Medical Center), and Deborah Valenze (Affiliate Co-Chair, Barnard College).*

On November 1, 2023, Presidents Minouche Shafik (Columbia University), Laura Rosenbury (Barnard College), and Thomas Bailey (Teachers College) announced the formation of a Task Force on Antisemitism ("the Task Force") "as part of a commitment to ensuring that our campuses are safe, welcoming, and inclusive for Jewish students, faculty, and staff, and all of us." (2)

VIEW THE PDF VERSION

Report #1: Columbia University's Rules on Demonstrations

The Task Force is part of a broader series of campus-wide initiatives "to foster a community," as President Shafik put it, "where debates and disagreements are rooted in academic rigor and civil discourse." Another product of this "our community, our values" initiative is a pair of new interim policies for safe demonstrations (the "Interim Demonstration Policies") from Columbia University ("the University") and Barnard College, which were issued on February 19 and 20th, respectively. The Task Force was pleased to provide input on these policies and, as discussed below, we strongly endorse them.

In the course of its work, the Task Force has heard of the isolation and pain many Jewish and Israeli Columbia affiliates (3) have experienced in recent months. While mourning Hamas's unspeakable atrocities on October 7, some Jewish and Israeli Columbia affiliates have been the object of racist epithets and graffiti, antisemitic tropes, and confrontational and unwelcome questions, while others have found their participation in some student groups that have nothing to do with politics to be increasingly uncomfortable. Israeli Columbia affiliates have been criticized and stereotyped for serving in the military, something most Israelis are required to do. Some Jewish students have felt isolated in supporting Israel, while others have felt isolated in criticizing Israel. While there is strong support among Jewish and Israeli Columbia affiliates for the right to protest, as well as widespread heartbreak about the tragic loss of civilian life in Gaza, many have heard chants at protests like "Globalize the Intifada" and "Death to the Zionist State" as calls for violence against them and their families.

Across Columbia University, there also have been repeated violations of the rules on protests. Although peaceful demonstrations are permitted at Columbia and Barnard–and, indeed, are an indispensable element of civic life in a free society–the University has rules to keep them from interfering with our academic mission. Unfortunately, these rules often have been violated in recent months. Protesters have disrupted classes and events, taken over spaces in academic buildings, held unauthorized demonstrations, and used ugly language to berate individuals who were filming these protests or just walking by. There also have been reports of physical harm to students, including Columbia affiliates who were protesting against Hamas and Columbia affiliates who were protesting against Israel. Needless to say, the University must guarantee the physical safety of all Columbia affiliates, and a welcoming environment for everyone is essential.

In the coming months, the Task Force will issue a series of reports, examining various aspects of this difficult situation. We are conducting research on the experiences and views of members of the Columbia community and are analyzing a range of university policies and practices. This first report considers Columbia's rules on demonstrations. (4) We focus on Columbia's rules, since our work on Barnard and Teachers Colleges' rules is still at an early stage. (5)

Even though our charge is antisemitism, we know that Jews and Israelis are not the only ones targeted in this difficult time. Heartbreak, fear, and loss are widely shared experiences both on and off campus. Although our report focuses on antisemitism, our recommendations can also bolster efforts to combat Islamophobia, anti-Arab racism,

and other types of bigotry. We condemn all these toxic forms of hate and look forward to working with colleagues, and partnering on initiatives, to counter it across the University. Together, we must strengthen the fabric of our University community for all.

Footnotes

(2) Announcing Task Force on Antisemitism, Nov. 1, 2023.

(3) The phrase “Columbia affiliate” in this report includes students, faculty, and staff of Columbia University (including Columbia University Medical Center), Barnard College and Teachers College.

(4) Columbia University defines “demonstrations” as “a group of people coming together in an event of public expression on campus.” See the Interim University Policy for Safe Demonstrations.

(5) Teachers College and Barnard College are affiliates of Columbia University and separate 501(c)(3) entities.

LEARN MORE

About the Task Force on Antisemitism

About the Members of the Task Force on Antisemitism

About the Second Report

I. Executive Summary

The University’s rules on demonstrations must accomplish three critical goals: first, safeguarding every Columbia affiliate’s right to protest, regardless of their viewpoint; second, ensuring that protests do not interfere with the rights of other Columbia affiliates to speak, teach, research, and learn; and, third, combating discrimination and harassment, including antisemitic harassment.

To protect every Columbia affiliate’s right to protest, while also ensuring that protests do not interfere with the free speech rights and academic freedom of others, the University must regulate the timing and location of protests. We support a “speaker’s corner” approach that permits protests in designated areas like the Sundial, South Lawn, and Futter Field, but not in academic buildings, libraries, dining halls, or dormitories. Every Columbia affiliate should have the right to protest in these designated areas, regardless of their cause or viewpoint. This is the approach of the new Interim Demonstrations Policies, and we consider them a major step forward. We also recommend clearer limits on the use of noise amplification and banners, as well as a minimum distance between competing protests.

Although we generally agree with the language of the University’s rules, we have serious concerns about their enforcement. The University generally has not tried to stop violations as they have occurred, and instead has focused on imposing discipline after the fact. The priority during protests has been to avoid violence and escalation. In our view, avoiding violence is necessary, but not sufficient. The University also needs to keep protests from interfering with the rights of others to speak, teach, research, and learn. So the University should do more to stop

unauthorized protests as they occur, using approaches that are effective but not confrontational. For example, if protesters gather in an academic building, they should be told that they are violating the rules and given the opportunity to leave within a specified period of time (e.g., ten minutes). Those who remain should be required to show IDs and given a warning, followed by discipline for subsequent violations.

In addition to doing more to stop rule violations as they occur, the University needs to be more effective at investigating and enforcing violations after the fact. We recommend a simpler process for filing complaints, more flexible deadlines for adjudicating them, more effective use of informal processes, and aggregate reporting on the results. Unlike most other universities, Columbia uses a separate disciplinary process for rules on protests, which is coordinated by the University Senate. Since this process has rarely been used, robust efforts are needed to make sure it works, including rigorous training, safeguards to ensure consistent treatment, and periodic reviews of the process.

In addition to free speech rights and free speech responsibilities, the University's rules ban discrimination and harassment, as required under Title VI (6) and other laws. Since the University's legal team is responsible for legal compliance, they should clarify what speech contributes to a hostile learning or working environment. Like in the gender-based misconduct rules, the University should offer "scenarios." These clear cases should illustrate what violates our rules and what does not, so adjudicators can consider whether a particular incident, which may be harder to classify, is more like the "good" or "bad" scenarios. These scenarios should be about all protected classes, not just Israelis and Jews.

Indeed, to comply with the law, the University must be consistent in its treatment of different protected classes. For example, if members of a protected class say that particular phrases or comments interfere with their ability to learn and work, should the University defer to them? Or should the University focus instead—not on how the protected class *hears* these words—but on what the speakers *intend* in saying them? In recent years, it has become increasingly common at Columbia to defer to a protected class's views. But when some Israeli and Jewish Columbia affiliates have complained about phrases or comments in recent months, the response has been different, defending the intentions and free speech rights of the speakers. While there are important reasons to value the perspective of both the speaker and the audience, the University must be consistent in its approach.

Finally, it is worth emphasizing that even when offensive words are permissible under the University's rules, they may still be disappointing or even reprehensible. In discussing difficult issues, we should always strive to state our position with civility and collegially.

Part II of this report identifies key principles the rules need to uphold. Part III emphasizes the critical role of content- and viewpoint-neutral "time, place, and manner" restrictions, and recommends ways to make them more effective. Part IV focuses on antidiscrimination rules, analyzing how the University can effectively combat harassment while also protecting free speech rights.

In writing this report, the Task Force has benefited enormously from repeated consultations with the Office of the President, the Office of the Provost, University Life, faculty members of the University Senate, the Kraft Center, and members of task forces at other universities, as well as deans, senior administrators, faculty members, alumni, staff, and students from across the University, including in listening sessions we have been holding across the campus. We are deeply grateful for the valuable insights so many have shared, and appreciate their staunch commitment to addressing the challenges considered in this report.

Before turning to our analysis, we should clarify its scope. This report discusses general issues of policy, not specific protests or other incidents from recent months. This focus reflects the Task Force's charge. We were convened to perform an important but limited task: to gain a deeper understanding of the situation on campus and to make

recommendations about how the University should respond. We do not have management authority, and we are not an adjudicative body. Therefore, we do not offer public comments "in real time." For the same reason, this report addresses broad challenges, instead of particular events.

A number of rules are not analyzed in this report, including those governing the recognition and discipline of student groups, classroom conduct, off-campus activity, and social media. In future reports, we will consider some of these other rules, as well as other issues.

Footnotes

(6) As the Department of Justice has explained, "Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance." Civil Rights Division U.S. Dep't of Justice, Title VI of the Civil Rights Act of 1964.

II. Three Fundamental Principles

Before turning to the specifics of our rules, we begin with basic principles. Our rules must embody an unshakeable commitment to three core ideas: first, the right to free speech and academic freedom; second, the responsibility to respect the free speech rights and academic freedom of others; and, third, our communal commitment to antidiscrimination.

A. Free Speech Rights

The mission of a great university is to expand the frontiers of knowledge and to educate future generations. This mission requires uncompromising rigor in uncovering facts and analyzing ideas. Truth is found not by seeking to justify what we want to believe, but by constantly testing, and then updating, our knowledge and understanding.

This timeless process can function effectively only if our minds remain open. There can be no orthodoxies. The fact that an idea is widely accepted should not exempt it from scrutiny. The fact that an idea is controversial, or even offensive, should not render it off limits. "The right of members of our university to share views that may be unpopular or deemed offensive," observed the seventeen deans of our faculties and schools in a recent statement, "is protected and fundamental to an academic community that depends on the free exchange of views and ideas." (7) In the words of Section 440 of the Senate's Rules of University Conduct, "the University is a place for received wisdom and firmly held views to be tested, and tested again, so that members of the University community can listen, challenge each other, and be challenged in return." This bedrock principle of academic freedom must never be compromised.

B. Free Speech Responsibilities

Just as we all have the right to speak our minds in pursuit of truth, we also have the responsibility to respect–indeed, to protect–this right for other Columbia affiliates. Needless to say, violence, threats, and intimidation also have no place at a great university.

In addition, our right to speak must not come at the expense of the right of others to speak, teach, research, and learn. We must not use the "heckler's veto" to shout down other speakers, tear down or deface posters, disrupt classrooms, or impede other essential functions of the University. These "rules of the road," which are known as "time, place, and manner" restrictions, are essential to the academic enterprise. Intellectual inquiry cannot proceed without them.

These limits, which protect all of us, are not about *what* we say, but about *where*, *when,* and *how* we say it. Every Columbia affiliate has the right to explore and defend the causes they cherish. But no one has the right to drown out other voices or interfere with the University 's teaching mission. As Section 440 of the Rules of University Conduct explains, "The right to demonstrate, for example, cannot come at the expense of the right of others to counter-demonstrate, to teach, or to engage in academic pursuits requiring uninterrupted attention."

These limits must be applied consistently and evenhandedly. It would be unacceptable for them to be invoked selectively to silence particular voices. Rather, time, place, and manner restrictions must be content- and viewpoint-neutral.

C. Antidiscrimination

Just as we cherish and nurture the pursuit of truth, we also are committed to treating all members of our community with respect. Every Columbia affiliate deserves to feel safe. They must know that they belong here. The University must be a welcoming home to all students, faculty, and staff, regardless of their race, national origin, gender, religion, sexual orientation, age, disability, military service, or other legally protected status. This obligation flows not only from our values, but also from Title VI, Title IX, and other federal, state, and local laws.

To discharge this obligation, the University does not guarantee that others will always agree with us. This surely will not happen and, in a place of intellectual ferment, it *should not* happen. Each of us will encounter ideas and perspectives we reject–indeed, even ones we find offensive. This is part of the compact we make with each other: everyone can express their views.

But harassment and discrimination cannot be tolerated. Nor should anyone be free to engage in violence or to call for violence against members of our community or groups to which they belong. This reprehensible conduct denies members of our community the experience they deserve.

Footnotes

(7) Deans' Message on Columbia and Community, Dec. 20, 2023.

III. Enhancing the University's Time, Place, and Manner Restrictions

To operationalize these three essential commitments–free speech rights, free speech responsibilities, and antidiscrimination–the University needs effective rules of the road. These "time, place, and manner" restrictions are an essential protection for every member of our community, so the University has to ensure that they are effective.

A. Timing & Location of Demonstrations

Every Columbia affiliate must have the right to engage in peaceful protests. But although this is a proud tradition at Columbia, it must not interfere with the rights of other Columbia affiliates to speak, teach, research, and learn. To protect this right for everyone, the University needs to specify when and where demonstrations are permitted.

In our view, demonstrations should not be allowed in academic buildings, libraries, dormitories, or dining halls, as well as too close to the entrances to these buildings. (8) Unfortunately, this has not always been the practice in recent months.

The right place for demonstrations is in outdoor spaces like the South Lawn and the Sundial in Columbia's Morningside campus, Futter Field in Barnard's campus, and comparable locations on other campuses. (9) The locations should be prominent. Our goal is not to consign demonstrations to remote locales where they will go unnoticed. Yet the location must ensure that demonstrations do not interfere with classroom learning and other essential functions of the University.

In this spirit, Section 443(14) of the Rules of University Conduct renders it a violation when someone "incident to a demonstration . . . disrupts a University function or renders its continuation impossible." This is the right principle.

To operationalize this principle more effectively, we recommend focusing more explicitly on location. After all, a standard based solely on "disruption" can be ambiguous, and can require more nuanced fact-finding. For example, some participants in a demonstration in an academic building might claim that, unlike others, they were speaking in a low voice and thus were not disruptive. Sorting out these facts is not always easy. In contrast, the question of *where* a protest was, and whether someone *actually attended it,* is easier to answer. (10)

As a result, we are pleased that Columbia and Barnard's new Interim Demonstrations Policies adopt this location-based approach, requiring demonstrations to be in "Demonstration Areas" (East South Lawn, West South Lawn, and the Sundial on Columbia's Morningside campus and Futter Field on Barnard's campus) at designated times, inviting members of the community to reserve these spaces, and guaranteeing access to them regardless of the views expressed in the demonstration. We consider this a major step forward in Columbia and Barnard's efforts to protect the free speech rights and academic freedom of every member of our community.

B. Sound Enhancement

Keeping demonstrations outside academic buildings protects everyone's rights by putting distance between demonstrations and academic work. Yet sound amplification systems and megaphones can negate this distance. As a result, "a noise that substantially hinders others in their normal academic activities" is a violation under Section 443(12) of the Rules of University Conduct, and rightly so.

More specific guidance should be offered about what sound enhancement (if any) is permitted. (11) While it can help protesters hear speakers, it also can disturb Columbia affiliates in nearby classrooms, dormitories, or libraries. For this reason, Barnard's Interim Demonstration Policy provides that "those participating in registered Demonstrations may not use noise amplification (e.g., megaphones, bull horns, etc.) or sound machines (e.g., pots, pans, instruments, etc.) during Demonstrations."

C. Safety, Notice, and Physical Separation

The University's highest priority must always be physical safety. When members of our community exercise their right to protest, they must be free to do so in safety and without fear. Unfortunately, this has not always been the case in recent months, and this is not acceptable.

To be fully prepared to guarantee safety during demonstrations, the University requires notice of when they will take place. The new Interim Demonstrations Policies generally require two business days, which we think is reasonable.

The rules also must ensure a minimum distance between competing protests. While Section 443(18) of the Rules of University Conduct authorizes rules delegates to give reasonable orders to keep protests apart, we recommend also specifying a minimum distance and rigorously enforcing this rule.

D. Banners

Like the location of protests, the location of signs and banners should be subject to viewpoint- and content-neutral time, place, and manner rules. In general, holding signs and banners in authorized demonstrations should be permitted. But hanging banners on any interior or exterior surface of a building should be prohibited unless the administration of the relevant school has approved it.

E. Limiting Access to Campus

Columbia affiliates must be allowed to demonstrate on campus, as well as to invite speakers and a reasonable number of guests to participate in the demonstration. But aside from these invited guests, non-affiliates are not entitled to this privilege. Unfortunately, their participation can come at a cost, if only because they do not know the University's rules and have less reason to abide by them. We realize that the need to present IDs can be inconvenient for Columbia affiliates and can affect the atmosphere on campus, but on balance we think the University generally should limit demonstrations to affiliates.

F. Enforcement During Demonstrations

While we generally agree with the *language* of the University's rules, we have serious concerns about their *enforcement*. To the University's credit, a senior team of administrators with different expertise and responsibilities has been meeting regularly to prepare for demonstrations, making daily (and at times even more frequent) judgments about staffing and other aspects of the University's response. This degree of coordination is impressive. It signals how seriously the University takes these issues.

Nevertheless, enforcement has fallen short in two ways. First, the University has regularly failed to stop violations of rules as they occur. Second, there also have been challenges in imposing discipline after the fact. We discuss these two issues in turn.

1. "Real Time" Efforts to Prevent Protests in Academic Buildings

First, when an unauthorized demonstration is taking place, representatives of the University should intervene more proactively "in real time." Obviously, these interventions are especially important to protect physical safety. In addition, we would prioritize interventions to prevent disruption of classes and other academic work, for instance, when there is an unauthorized demonstration in an academic building.

We recognize how challenging it can be for the University to manage and respond to demonstrations, and we truly appreciate the strenuous efforts of rules delegates and public safety officers in recent months. The volume of protests has spiked, and the campus climate is more tense than at any time in recent memory. Enforcing our rules, while also avoiding confrontation, is no easy task.

Even so, we urge these colleagues to be more ambitious. They should not be content just to "wait out" a demonstration and prevent violence. This sort of deescalatory posture is necessary, to be sure, but it is not sufficient. The University also has to prevent the disruption of classes and, more generally, to protect the academic freedom and free speech rights of the rest of the Columbia community.

2. Avoiding Physical Confrontation

To be clear, we are not recommending the forcible removal of protesters or routine reliance on the NYPD. On the contrary, the University should not repeat its overly aggressive response to protests over half a century ago in 1968. Physical interventions are appropriate only to break up fights and protect protesters and bystanders from violence. Our understanding is that this is the only circumstance in which public safety officers initiate physical contact, and we agree.

3. Better Nonconfrontational Approaches

Instead, the focus should be on developing better nonconfrontational options. We stand ready to offer input in analyzing alternatives. In that spirit, we recommend that rules delegates should tell demonstrators they are violating the rules, offer a card with the relevant rules, and ask them to disperse within a specified period of time (e.g., ten minutes). Protesters should also be told that names will have to be taken and disciplinary processes will have to be initiated for anyone who is still there after the specified time has elapsed. After this time has passed, if any protesters are still in the academic building, public safety officers should ask for their IDs. If the protesters refuse–a rule violation in and of itself–public safety officers should take their photos, a step that can help identify them even if they are masked.

Section 443(16)--(18) of the Rules of University Conduct authorize delegates of the University to regulate demonstrations in these and other ways. We understand that other universities have had some success with these sorts of steps. Fortunately, some of these steps are starting to be taken more frequently on our campus.

As long as this effort during a demonstration is paired with effective investigation and adjudication after it is over, as discussed below, we expect that most protesters will choose to comply with the rules. This should be all the more true because they can still hold demonstrations: these protests simply have to be during designated hours in authorized locations (e.g., on South Lawn or Futter Field), and not in academic buildings, libraries, dorms, and the like.

4. Expertise, Conflicts of Interest, and the Number of Rules Delegates

The steps suggested above should be assigned to professionals with the right expertise. In recent years, our rules delegates have been student affairs professionals. They are well suited to make an initial approach, gently reminding students of the rules, as well as of the prospect of discipline for protests in academic buildings. In contrast, public safety officers have a comparative advantage in the subsequent steps of asking for IDs and taking photographs.

In assigning roles, the University should consider how responsibilities at protests interact with a rules delegate's other responsibilities. For example, student affairs professionals may be wary of confronting student protesters, worrying that a negative encounter may undercut their effectiveness in other work with these students. Unfortunately, student affairs professionals also face another risk: *failure* to intervene–and, indeed, the perception that they implicitly endorse rules violations–can undermine their relationship with other students.

One way to address this challenge is to staff protests with rules delegates from other schools. For example, if there is an unauthorized protest at the law school, the rules delegates assigned to it could be from the business school, and vice versa. Our understanding is that this already is the University's practice.

Another solution is to broaden the pool of rules delegates, so they include colleagues whose other responsibilities do not create this potential tension. Another advantage of broadening the pool in this way is that rules delegates may benefit from having a wider range of expertise within their ranks.

The University should also invest more resources in this effort. Currently, the compensation for rules delegates is a modest stipend, so more may be warranted in the current climate. We also need more of them, at least in the current environment. The increased number of protests poses the risk of burnout for a small group. In addition, the more proactive approach recommended here may require a larger presence at unauthorized protests.

5. Communal Support for This Effort

While rules delegates and public safety officers play a central role in enforcing time, place, and manner restrictions, they cannot do this alone. The rest of our community must support them in this effort. Every Columbia affiliate has a stake in protecting the right to protest, while also ensuring that protests do not interfere with the free-speech rights and academic freedom of others.

Unfortunately, some faculty and administrators have failed to convey this message. When they speak at unauthorized demonstrations, or when they help shield the identity of students who are violating the University's rules, their apparent endorsement of unauthorized protests sends a confusing signal to students. In response, we encourage deans and department chairs to communicate the importance of time, place, and manner rules, while also discouraging colleagues from undercutting these rules.

G. Enforcement After Demonstrations

In addition to intervening "in real time," the University also must take the right steps after the fact. The University must investigate incidents, initiate disciplinary processes, and impose sanctions when warranted. Yet unfortunately, we are concerned that these efforts after an incident are falling short in four ways, which we discuss in turn. We would be pleased to work with the Administration and the Senate to explore alternatives for addressing these problems.

1. Identifying Masked Demonstrators

First, our understanding is that investigating incidents has been a challenge in part because many demonstrators have been masked. A more proactive effort is needed to identify them during demonstrations, as noted above.

2. Deadlines

Second, Columbia's deadlines in the Rules of University Conduct are too tight. "Generally, . . . [i]nvestigation begins within five (5) business days after an incident" and is supposed to be "completed within fifteen (15) business days after the investigation begins." (12)

We understand why the drafters of this timetable did not want unnecessary delays. Speed ensures that memories are fresh, respondents are not subjected to a protracted process, and any necessary discipline is administered promptly.

However, the general timeline in the rules is too short. For one thing, this timeline implicitly assumes that complaints will be filed almost immediately, so investigations can begin within five days. But this is not realistic. For some potential complainants, the incident they need to report was upsetting, even traumatic. They need time to process what happened, and may simply not feel ready to file a report right away. In other cases, complainants do not even know that they are supposed to file or, for that matter, how to do so.

In addition, tight deadlines also create the wrong incentives for colleagues investigating these incidents. If they wait too long, they lose the ability to bring an action. In response, they may be tempted to initiate proceedings before they have all the facts. These facts are not always easy to gather, especially when potential respondents are masked. Indeed, just figuring out who they are can take time. Pushing for an immediate judgment, which is made merely to meet the relevant deadlines, is not in anyone's interest.

There are a number of ways to address this issue. At a minimum, the timeline in the rules should be treated as aspirational, not binding. This reading is plausible because the rules use the phrase "generally" to modify the timeline. But instead of merely relying on this interpretation, we recommend that the schedule should be adjusted. The Senate should coordinate with the Rules Administrator to determine what the new timeline should be.

We understand from members of the Senate Executive Committee that they expect reasonable extensions to be granted. While this is helpful, the process for granting extensions should be clarified. For example, the Rules Administrator should not have to wait until after the adjudication has begun. Otherwise, there is a possibility that the extension will be denied after the parties have invested significant effort to prepare. Rather, extensions should be granted (or denied) at an earlier stage. Our understanding is that this sort of process has been developed, but we think a more general (and nondiscretionary) adjustment to the deadlines would be a more transparent and administrable solution.

3. Informal Processes

While the rules provide for formal disciplinary processes, they also offer the option of informal resolutions. (13) Our understanding is that these informal processes have been by far the most common method of resolving issues over the years.

Yet unfortunately, a number of students have not participated in informal proceedings in recent months, a choice our rules currently allow them to make. (14) This is a missed opportunity. Informal proceedings let students learn the rules and commit to follow them in the future, while avoiding lasting reputational consequences. The University also avoids the burden of a formal proceeding. Given these mutual benefits, the rules should do more to encourage informal resolutions. We recommend that respondents should be required to meet with the Rules Administrator. To be clear, we would not require them to agree to an informal resolution, but to attend an informal meeting.

In addition, the rules should clarify that even when a respondent refuses to meet, the Rules Administrator still has authority to issue a formal warning, assuming the alleged violation is simple (not serious) and is the respondent's first violation. Otherwise, the Rules Administrator would be encouraged to proceed with formal charges even when she considers these steps unnecessary.

Likewise, the rules should clarify that even when a respondent refuses to meet, the Rules Administrator has the authority to keep records of the incident. We understand that some respondents have asserted that the Rules Administrator does not have authority to retain records in this situation. But these records are necessary: if the respondent is later involved in another incident, the Rules administrator needs to be able to take the informal resolution and the warning into account.

4. An Untested Process

Unlike most other universities, Columbia uses a separate process, coordinated by the University Senate, when individuals are charged with violating rules governing protests. Although a version of this process has existed for many years, it has been used only a handful of times since it was significantly modified in 2015, and not at all during the Fall Semester. In contrast, the University's other disciplinary processes are used much more regularly. (15)

Since this process is largely untested–with all the downsides that entails– strenuous efforts are needed to ensure that it is effective. For one thing, rigorous training is essential. After all, unlike the experienced decisionmakers in the University's other disciplinary processes, a number of the members of the Senate's Judicial Board–a body that includes faculty, students, and administrators–presumably have relatively little experience adjudicating disputes.

Clear delineation of institutional roles is also important. For example, the Senate Rules Committee is responsible for drafting and revising rules, while the Judicial Board is responsible for adjudicating matters under the rules. It is important not to blur the lines between legislative and adjudicatory functions.

Sharing information internally also is critical. Unlike in the U.S. court system, where outcomes are publicly available, student discipline generally is confidential under the Family Educational Rights Privacy Act ("FERPA"). (16) Since there are no reported precedents, respondents cannot confirm that they have been treated the same way as similarly situated respondents. This must not be the case with members of the Judicial Board. They must have access to the necessary information, and we have been told that they do. This is essential, so members of the Judicial Board will know how similar incidents have been treated and treat them the same way. Indeed, consistency is not just a moral imperative, but also a legal requirement (e.g., since singling out a protected class for different treatment can violate Title VI).

As the Judicial Board gains experience, it is essential to review their decisions and address any issues that are identified. For example, we endorse the Senate Executive Committee's commitment to conduct periodic reviews of Judicial Board decisions under Columbia's Interim Demonstrations Policy.

H. Education About the Rules

To ensure that everyone complies with the rules, we need not just better enforcement, but also better education. A concerted effort is required to ensure that Columbia affiliates know the rules, as well as the rationale for them.

As we have emphasized, time, place, and manner restrictions are there to *protect* speech, not to *suppress* it. In a community where academic freedom and free speech are bedrock values, we should all comply with these restrictions not just to avoid discipline, but to honor our values and show respect for the rights of others.

Interim Provost Mitchell's January message, summarizing key features of the rules governing demonstrations, was a productive step. We recommend additional efforts within every school and department to educate members of our community about the right way (and the wrong way) to exercise their free speech rights.

I. Simpler Process for Reporting

Under Columbia's rules, filing a report is a key way to initiate investigations and disciplinary processes. Yet although Columbia affiliates are supposed to file a report when they witness a rule violation, many are not doing so. The University has already taken productive steps to address this problem, but more should still be done.

First, many Columbia affiliates do not understand the function of these reports. For example, some mistakenly assume that there is no reason to report something that administrators also witnessed. The (understandable) assumption is that if these administrators already know about a situation, there is no need to report it. But reports should be filed not just to inform those administrators, but also to initiate an investigation of (and, potentially, discipline for) the relevant incident. Administrators can ask for an investigation, and we encourage them to do so when one is warranted. But every Columbia affiliate has this power—not just administrators—and we should all use it.

Second, in addition to knowing *why* they should file, Columbia affiliates also need to know *how* to do it. This process should be simplified. At the moment, different forms are required for different types of violations. There are separate links for academic violations, discrimination by students, discrimination by faculty and staff, gender-based misconduct by students, gender-based misconduct by faculty and staff, and general concerns (including violations of the rules governing protests).

To help Columbia affiliates navigate this maze of reporting requirements, the University has put all of these links on a single webpage. They also have introduced a helpline, as well as a help desk, to guide members of our community in this process.

While these are productive steps, we recommend something more ambitious: the University should consolidate the various links and forms to a single one. After affiliates fill it out, an administrator should review it and route it to the appropriate department. This administrator will know—far more readily than a student—which rules and policies are implicated, as well as who should investigate and adjudicate it. By relieving the complainant of this obligation, the University can make filing a report easier, faster, and less daunting.

Finally, the University also should help Columbia affiliates understand what happens after they file a report, including what else may be expected of them. This process is not well understood, and there has been only limited communication after reports are filed.

J. Aggregate Reporting on Discipline

Another reason why some are not reporting violations is that they believe nothing will happen. This is problematic not only in discouraging reporting, but also in shaping perceptions of the University among important stakeholders, including current and potential students, faculty, staff, alumni, and parents. Even more importantly, this perception may induce students to violate rules. As a result, the University needs to share more information about the results of disciplinary processes.

Under FERPA, the University cannot share information about specific individuals. But there is no bar on aggregate reporting. On a regular basis, the University should share information about the number of disciplinary investigations underway, the number of adjudications, and the range of consequences administered, while also ensuring that this reporting is done in a way that respects the privacy of the individuals involved. Consistent with FERPA, the University also should communicate with those who have filed complaints, reassuring them that their concerns have been taken seriously.

Footnotes

(8) The University has legal obligations to ensure that entrances to these buildings are clear. For example, the University has to ensure that Columbia affiliates with disabilities have ready access to these entrances, as well as an obligation under Title VI to ensure that protected groups have access to educational opportunities, and thus to

these buildings.

(9) In choosing the right locations in the health sciences campus, the University must also account for the needs of patients.

(10) Some nondisruptive forms of expression should be permitted in an academic building, such as wearing a particular T-shirt or pin.

(11) This guidance could appear either in an updated version of the Demonstrations Policy or as an addition to Rule 443(12).

(12) Section 446, Rules of University Conduct.

(13) Rules of University Conduct, Sec. 445(a) (authorizing Rules Delegate to "organize informal settlements"); see also Sec. 447 (providing for informal resolutions).

(14) Rules of University Conduct, Sec. 446 ("A respondent may decline to participate in the investigative or adjudicative process.").

(15) Dean's discipline" is used for academic, behavioral, and other student misconduct (e.g., plagiarism, vandalism, discrimination, harassment, etc.). The University also has other processes for student gender-based misconduct. Misconduct, including discrimination, involving faculty and other employees is addressed through a separate track.

(16) Department of Education, The Family Educational Rights Privacy Act.

IV. Antidiscrimination

In addition to free speech rights and free speech responsibilities, our rules also advance a third principle: our collective opposition to discrimination and harassment. Columbia University's Non-discrimination Statement and Policy bans discrimination based on a number of protected statuses, including "citizenship status; . . .color; . . . disability; familial status; gender (sex); gender identity; . . . national origin; . . . race; religion; . . . sexual orientation; . . . veteran or active military status; or any other applicable, legally protected status."

A. Discrimination and Harassment are Not Protected Speech

So although the University must protect speech vigorously, it does not do so absolutely. While we all pledge to tolerate speech that we consider misguided or even offensive–in a collective commitment to protect everyone's right to speak their minds and pursue the truth–the University does not tolerate speech that constitutes discrimination or harassment against protected classes. This commitment is grounded not only in our collective values, but also in the law.

Indeed, a key function of the University's antidiscriminaton rules is to comply with Title VI, as well as with other federal, state, and local laws. While the University has latitude to offer *more* protection against discrimination than the law requires, it cannot offer less.

So even as the Rules of University Conduct protect free speech rights, the Affirmative Statement in Rule 440 acknowledges that "the University may restrict expression that constitutes a genuine threat of harassment," recognizing that harassment does "little if anything to advance the University's truth-seeking function" and "impair[s] the ability of individuals at the University to participate in that function."

Under federal, state, and local law, discrimination and harassment can be caused not just by conduct, but also by speech. Applying these rules, the University defines "discriminatory harassment" to include "unwelcome conduct" that is "verbal" as well as "physical":

"Subjecting an individual to unwelcome conduct, whether *verbal* or physical, that creates an intimidating, hostile, or abusive working, learning or campus living environment; that alters the conditions of employment or education; or unreasonably interferes with an individual's work or academic performance on the basis of the individual's membership in a protected class is harassment which is a form of discrimination." (Emphasis added.) (17)

Applying Title VI and other applicable laws, University policies include speech of various kinds in their definition of harassment:

Harassment may include, but is not limited to: verbal abuse, epithets, or slurs; negative stereotyping; threatening, intimidating, and hostile acts; denigrating jokes; insulting or obscene comments or gestures; and the display or circulation of written or graphic material (including in hard copy, by email or text; or through social media) that denigrates or shows hostility or aversion toward an individual or group members of a protected class. (18)

The University's antidiscrimination rules are administered by the University's general disciplinary processes ("dean's discipline" for students, and human resources processes for faculty and staff under the Equal Opportunity and Affirmative Action Office or "EOAA"), not the special rules for protests (such as the Senate's Rules of University Conduct and the new Interim Demonstrations Policy). This division of labor reflects the reality that antidiscrimination rules enforce federal, state, and local law, so the Office of the General Counsel and the Administration need to take the lead in drafting and administering them. The same is true of the University's rules policing gender-based misconduct under Title IX. As a result, the student conduct standards expressly provide that "behavior listed in this section [including discriminatory harassment] that occurs in conjunction with" alleged violations of rules governing protests "may be adjudicated" through dean's discipline. (19)

B. Need for Guidance On What Constitutes Discriminatory Harassment

We urge the University to provide more guidance on the meaning of "discriminatory harassment," including antisemitic harassment. What kind of speech "creates an intimidating, hostile, or abusive working, learning or campus living environment" under Title VI?

The University's definition of harassment states that "epithets or slurs" clearly can contribute to a hostile learning and working environment. Obviously, it violates the rules to approach a Jewish student and say, "F*** the Jews," just as it would violate the rules to make this sort of offensive comment to a member of any protected class.

The definition of harassment also includes "negative stereotyping" and "insulting . . . comments." So when Jewish students walk by a group that is protesting against policies of the Israeli government, the rules are violated if the protesters heckle these students by attributing Israel's policies to them (e.g., "you bomb hospitals").

The same is true when assumptions are made about Israeli faculty members, students, and staff, including those in joint programs with Israeli universities, just because these Columbia affiliates have served in the military. Since most Israelis are required to serve in the military, calls to exclude Israeli veterans from campus apply to nearly all Israeli

Columbia affiliates. Making assumptions about Columbia affiliates based solely on their country of origin or military service can constitute discrimination based on national origin or military service under the University's rules.

The University also has said that calls for genocide, like other incitement to violence, violate the rules:

"Calls for genocide against the Jewish community or any other group are abhorrent, inconsistent with our values and against our rules. Incitement to violence against members of our community will not be tolerated." (20)

While we agree with this principle, the application of it should be clarified. Obviously, the chants "gas the Jews" and "Hitler was right" are calls to genocide, but fortunately no one at Columbia has been shouting these phrases (though there are reports that these chants were used at another university). (21) Rather, many of the chants at recent Columbia protests are viewed differently by different members of the Columbia community: some feel strongly that these are calls to genocide, while others feel strongly that they are not.

At some point, courts and the Department of Education are likely to offer additional guidance illuminating the Title VI implications of these chants, as well as other speech and conduct at protests. (22) This would be helpful. In the interim, the University's legal team should provide more guidance on this issue. Since this ultimately is a matter of legal compliance, we do not offer a detailed analysis here. Instead, we emphasize a few key points.

First, the University's commitments to ban discrimination and to protect free speech are both foundational, so managing potential tensions between these commitments is not easy. Even as the University strives to protect free speech rights, it must also ensure compliance with antidiscrimination laws.

In addition, in pursuing these critically important goals, the University should aim to make the lines it draws as clear as possible, while recognizing that perfect clarity about every conceivable circumstance is not always possible. Even so, efforts to provide greater clarity help to provide fair notice, so Columbia affiliates have more of a sense of what is permissible (even if offensive) and what is not. Clearer guidance also helps colleagues who investigate potential incidents, so they know when alleged facts violate the rules. Likewise, greater clarity helps ensure that different adjudicators treat similar conduct the same way.

Recognizing the importance of clarity, the University's rules on gender-based misconduct include "scenarios," which illustrate what is permitted and what is not. (23) While these scenarios cannot govern every conceivable circumstance, and focus on relatively clear cases, they still lend clarity by illustrating general principles and inviting decisionmakers to consider whether a particular incident is more like one scenario (e.g., that is permitted) than another (e.g., that is not). To ensure that members of our community are aware of these rules, the University requires periodic online training for all members of the community. We recommend a similar effort for other types of discrimination, including antisemitic harassment. In the coming weeks, we would be pleased to work with the General Counsel's office, University Life, and other colleagues to analyze these issues in more detail.

C. Consistency in the Treatment of Protected Classes

Needless to say, Jews and Israelis are not the only groups that could experience discriminatory harassment. The rules must defend all protected classes.

In applying the rules to different groups, the University has to make consistent judgments. Indeed, consistency is necessary as a way not just to keep faith with our values, but also to comply with Title VI and other applicable laws. In general, the University must provide the same level of protection to different protected classes. By affording vigorous protection to some, but not others, the University would violate Title VI.

As a result, speech or conduct that would constitute harassment if directed against one protected class must also be treated as harassment if directed against another protected class. This must be true not only in the way rules are written, but also in the way they are enforced.

In this spirit, the University needs to use the same methodology when deciding whether speech constitutes harassment. Should the focus be on the audience or the speaker? If members of a protected class say that particular phrases or comments cause them pain, should the University defer to them? Or should the University focus instead–not on how the protected class *hears* these words–but on what the speakers *intend* in saying them?

In recent years, it has become increasingly common at Columbia to defer to protected classes in defining which statements are considered biased or hateful, prioritizing the concerns of the audience (i.e., the protected class) over the intentions of the speaker. This approach has been evident, for instance, in discussions of policing, affirmative action, sexual assault, transgender rights, and other important issues.

But a different norm has applied to many Jewish and Israeli Columbia affiliates in recent months. When they have complained about phrases and statements that cause them pain, some students, faculty members, and staff have not deferred to their concerns. Instead, they have responded that the speakers actually mean something else, which is not offensive, or that the speakers have the right to speak their minds.

This is a challenging issue, since there are important reasons to value the perspective of both the speaker and the audience. But regardless of how this issue is resolved, the University needs to be consistent in its approach.

D. Consistency and Expertise in Investigation and Adjudication

The University has an office that investigates and adjudicates gender-based harassment and discrimination under Title IX (the Office of Gender-Based Misconduct), and different offices that investigate and adjudicate harassment and discrimination under Title VI (the EOAA process for faculty and staff and the dean's discipline process for students). It is important to ensure that comparably rigorous levels of training are provided to these colleagues, and that consistent standards are used for different protected classes.

In pursuing these goals, the University should draw on its experience in administering Title IX. For example, the University can consider using a similar structure (e.g., a separate office), as well as similar training and staffing strategies. There may also be synergies in closer coordination of these efforts.

E. Values as Well as Rules

Finally, it is important to emphasize that the question of what *the rules allow* is not the same as the question of what members of our community actually *should say and do*. We all have the right to take controversial positions, and rightly so. We even have the right to say offensive things.

But with rights of free expression come responsibilities, including to consider the effects of our expression on others. We should never be indifferent to the pain and discomfort our words cause, regardless of the ideas we seek to advance. Indeed, whether we are passionate in defending the rights of Israelis, Palestinians, or anyone else, we should recognize that others have convictions that are just as heartfelt. Even as we disagree, we should still respect each other's feelings. An institution of higher learning is an appropriate place to learn these responsibilities.

Columbia affiliates must never shy away from the great issues of the day. Our University must always strive to shed the light of reason on the defining challenges of our time. To advance our mission, we must be willing to express strong views, follow evidence and arguments where they lead, and confront painful truths. As part of this process,

members of our community inevitably will disagree.

But even as we express competing views, the University is at its best when we all strive to state our position with civility and collegially. Making the case in this way shows not only skill as an advocate, but also human decency and respect for shared values. As Columbia's seventeen deans recently said, "the grace of compassionate engagement should be extended to all members of our community in equal measure."

Footnotes

(17) EOAA Discrimination and Harassment Policies, at 7.

(18) See id at 7.

(19) Standards & Discipline at 9 n.2.

(20) Event Policy and Campus Resources FAQs (What is Columbia doing to address antisemitism on campus, and what is Columbia's reaction to calls for genocide against Jews?).

(21) Reuters, NYU is sued by Jewish students who allege antisemitism on campus, Jerusalem Post, Nov. 15, 2023; see also Olivia Land, Reprehensible anti-Israel protesters chant 'Gas the Jews' outside Sydney Opera House: video, Oct. 10, 2023.

(22) The Department of Education has already indicated that even speech protected under the First Amendment can still create a hostile learning environment under Title VI. In these circumstances, if universities cannot stop this speech, they are expected to condemn it.

(23) Gender Based Misconduct Office, Gender-Based Misconduct and Interim Title IX Policies and Procedures for Students 23-26.

EXHIBIT 52

Case: 25-1529, 09/22/2025, DktEntry: 37.1, Page 43 of 199

COLUMBIA | OFFICE OF THE PRESIDENT

STATEMENTS

President Shafik Welcomes the First Set of Recommendations From the Task Force on Antisemitism

March 04, 2024



I welcome the initial report of the Task Force on Antisemitism and am grateful to the co-chairs and task force members from Columbia, Barnard College, and Teachers College for their hard and thoughtful work. As the task force makes clear, it is essential to ensure that debates and disagreements across Columbia are rooted in academic rigor and civil discourse, and that Jewish students, faculty, and staff, and all members of our community, feel safe, supported, and included. The task force's important work will continue across a number of fronts as the University works to address this ancient, but sadly persistent, form of hate.

LEARN MORE

Read the Report

Columbia's Task Force on Antisemitism Releases Its First Set of Recommendations

I am pleased that the task force strongly endorses the new Interim University Policy for Safe Demonstrations that was announced last month, and appreciate the task force's many other suggestions about reporting, enforcement, anti-discrimination, and other issues.

We will review the interim policy at the end of this semester. Collaborating with the University Senate, student leaders, faculty, and other members of the community, we are committed to ensuring that our rules both protect free speech and foster inclusivity at Columbia. As always, we encourage feedback from all members of our community. We have created a new form for students, faculty, and staff to share their ideas and suggestions, anonymously if they prefer.

Minouche Shafik
President, Columbia University in the City of New York

Tags: Administration Diversity

News

March 19, 2025
Our Next Steps

March 15, 2025
Standing Together for Columbia

March 13, 2025
Standing Together for Columbia, March 15, 2025

March 13, 2025
Update to Our Community Regarding DHS Activity Tonight

March 13, 2025
Columbia's Commitment to Our International Community

EXHIBIT 53

Report #2: Task Force on Antisemitism

Columbia University Student Experiences of Antisemitism and Recommendations for Promoting Shared Values and Inclusion[1]

August 2024



Executive Summary

The demonstrations that roiled our campuses during the past academic year uncovered deep disagreements about the mission of our University. During those months, consensus around the University's formal rules and informal norms of behavior broke down, interfering with our charge to educate students and engage in research.

In addition, the testimonies of hundreds of Jewish and Israeli students have made clear that the University community has not treated them with the standards of civility, respect, and fairness it promises to all its students.

VIEW THE FULL REPORT (PDF)

Report #2: Columbia University Student Experiences of Antisemitism and Recommen...

After October 7, many Jewish and Israeli students began to report multiple instances of harassment, verbal abuse and ostracism, and in some cases physical violence. Given the volume of these reports, the Task Force invited all students—not just Jewish and Israeli students—to tell us their stories. Over the course of the spring, nearly five hundred students offered testimonials, at over 20 listening sessions, which provided invaluable insights into the campus climate during these troubled times. These student stories are heartbreaking, and make clear that the University has an obligation to act.

This report recounts student experiences in a wide variety of venues—day-to-day encounters, including dorm life and social media; clubs; and the classroom. Unfortunately, some members of the Columbia community have been unwilling to acknowledge the antisemitism many students have experienced—the way repeated violations of University policy and norms have affected them, and the compliance issues this climate has created with respect to federal, state, and local anti-discrimination law. Many of the events reported in the testimonials took place well before the establishment of the encampments and the takeover of Hamilton Hall; the experiences reported during that period were even more extreme.

We heard about troubling incidents from a diverse group of Jewish students from across the political spectrum; and, even more pronouncedly, from Israeli students, whose national origin both make them members of a specifically protected class under federal law and frequently has caused them to be singled out for particularly terrible treatment.

Students also reported that their efforts to seek redress from the University for the hostility and bigotry they were encountering were often unsuccessful. Many students did not understand how to report these incidents. Although some faculty and staff responded with compassion and determination, others minimized the concerns of these students, reacting sluggishly and ineffectively even to the most clear-cut violations. Even students who had successfully reported an incident spoke of a recurring lack of enforcement of existing University rules and policies.

The experiences of these students demonstrated that there is an urgent need to reshape everyday social norms across the campuses of Columbia University. We need to promote a richer ethic of pluralism, which would encourage greater tolerance of and respect for differences in religion, culture, and national origin. If we were really to succeed in promoting tolerance, students would come to understand and value these differences.

But we are a long way from there. The problems we found are serious and pervasive. We recognize that the University is not monolithic, and the environment at some schools is especially challenging. A wide range of responses is needed—indeed, a broader range than we discuss in this report (which focuses on training, defining antisemitism, reporting, and rules for student groups) and in our last report (which focused on the rules governing protests). We do not want to give the impression that the recommendations here are all that is required. We will address other issues in future reports.

In this report we draw on the many accounts shared with us over the past several months to produce a working definition of antisemitism. Instead of relying on an existing definition, we crafted a working definition that is rooted in recent experiences at Columbia:

Antisemitism is prejudice, discrimination, hate, or violence directed at Jews, including Jewish Israelis. Antisemitism can manifest in a range of ways, including as ethnic slurs, epithets, and caricatures; stereotypes; antisemitic tropes and symbols; Holocaust denial; targeting Jews or Israelis for violence or celebrating violence against them; exclusion or discrimination based on Jewish identity or ancestry or real or perceived ties to Israel; and certain double standards applied to Israel.

LEARN MORE

About the Task Force on Antisemitism

About the Members of the Task Force on Antisemitism

About the First Report

This working definition draws on experiences of many Jewish and Israeli students, who were on the receiving end of ethnic slurs, stereotypes about supposedly dangerous Israeli veterans, antisemitic tropes about Jewish wealth and hidden power, threats and physical assaults, exclusion of Zionists from student groups, and inconsistent standards. We propose this definition for use in training and education, not for discipline or as a means for limiting free speech or academic freedom.

This report also identifies significant problems in university policy and practice and makes recommendations for fixing flawed administrative systems, improving campus climate, and building consensus for a more inclusive and pluralistic university. Specifically, we recommend anti-bias and inclusion trainings for students, resident advisers, resident assistants, teaching assistants, student-facing staff, and faculty. In a community dedicated to freedom of speech and pluralism, we must prepare students with different views and backgrounds to engage with each other. We must encourage mutual respect, tolerance, civility, and an open learning environment.

We also recommend in-person workshops about antisemitism and Islamophobia, as well as a range of optional training and workshops for others in our community, including on implicit bias and stereotypes, bystander interventions, and having difficult conversations.

Given the urgent need to train administrators who play critical roles in responding to student needs, we also suggest a range of trainings in dispute resolution.

As part of this effort, we recommend that the Interim President and Provost establish a Cross-School Committee that includes all schools at Columbia, along with Barnard College and Teachers College, to share information and establish a baseline standard for trainings, workshops, and website information for all schools. The Committee should aim to overcome the problem of decentralization within Columbia, which is a barrier to maintaining common objectives across the many spaces shared by undergraduate and graduate students.

We also recommend that the University establish a repository for best practices in anti-bias and inclusion trainings and that it develop a plan for evaluating these programs.

Customized trainings aimed at specific constituencies are particularly important, including first year orientation and new student orientation for graduate programs—a recent area of focus for University Life—and new faculty orientation at all Columbia schools, including affiliate schools, Barnard College, and Teachers College. We recognize that University Life has been working to update and improve its training for student orientation.

We call attention to the need to train teaching assistants (TAs) in sensitivity to bias, exclusion, and antisemitism. Currently, the online course required for all Columbia TAs, available through the Equal Opportunity and Affirmative Action (EOAA) website, lacks guidelines on diversity, inclusion, and bias. TAs need guidance on how to respond to classroom scenarios that stray into discrimination and bias; currently, they are told that no single best practice exists. We recommend giving attention to topics related to race, religion, and national origin in all their complexity. We point to several excellent models offered by other universities in guiding TAs and first-time instructors.

Resident assistants and advisers (RAs) are another group in need of customized training; we offer suggestions for how RAs can foster better attention to inclusion, identification of bias, and elimination of harmful behavior signaling derision and hatred. RAs must fully understand their role as leaders in inclusion: they need to be prepared to listen with respect and to mediate conflicts.

In place of the confusing multiplicity of reporting structures that currently exist, we suggest ways of revamping procedures so that students are not discouraged from speaking with advisors and administrators about prejudicial treatment. Transparency and consistency in how we handle student reports of bias and exclusion are of the utmost importance if we want students to share their experiences. Our aim is for students to engage with faculty or staff who can resolve conflicts before situations rise to the level of legal violations. Antisemitism complaints deserve careful attention from deans and administrators, alongside all forms of bigotry and discrimination.

We also recommend ways to ensure that student groups contribute to the University's pluralist mission and comply with anti-discrimination law. Unfortunately, we have heard from many Jewish and Israeli students who have been excluded from student groups because of their Zionist beliefs. This is not acceptable. Student groups must be inclusive, with membership limited only for reasons connected to their mission. Student groups generally should not issue statements unrelated to their missions, so they can welcome students with diverse views and backgrounds. Groups also should have a robust consultation process before issuing statements or joining coalitions. To be clear, there should not be any limits on the free speech rights of a group's *members*. They must be free to speak about any issue as long as they are speaking *for themselves*, not for the group.

---

1. This report reflects the research, analysis and drafting of members of the Task Force's policy working group: Ester Fuchs (Co-Chair, SIPA and Political Science), Clémence Boulouque (Department of Religion), Jeremy A. Dauber (Department of Germanic Languages), Rebecca Kobrin (Department of History). and Deborah Valenze (Affiliate Co-Chair, Barnard College). Extensive analysis and input also was provided by the other members of the Task Force: Nicholas Lemann (Co-Chair, Journalism School), David M. Schizer (Co-Chair, Law School), Peter Coleman (Affiliate Co-Chair, Teachers College), R. Glenn Hubbard (Business School), Magda Schaler-Haynes (Mailman School of Public Health), Nir Uriel (Columbia University Irving Medical Center), Matthew C. Waxman (Law School), and Gil Zussman (Fu Foundation School of Engineering and Applied Science).

EXHIBIT 54

COLUMBIA | OFFICE OF THE PRESIDENT

Combatting Antisemitism

Under Interim President Armstrong's leadership, Columbia University has undertaken a multipronged approach to combat antisemitism, through increasing clarity and education around University rules, appointing a new Rules Administrator, establishing a centralized Office of Institutional Equity to swiftly address reports of antisemitism, discrimination and harassment, strengthening the capabilities and resources of the University's Public Safety team, and acting to quickly condemn and investigate recent incidents of vandalism, antisemitic imagery, and classroom disruption.

The following is a comprehensive overview of the ongoing efforts taking place at Columbia to combat antisemitism and nurture a campus environment that is welcoming to all students and free from harassment and discrimination.

Addressing Antisemitism at Columbia University

Columbia has initiated a comprehensive strategy to address antisemitism, grounded in the belief that the University's mission depends on an environment free of harassment and discrimination. The University's efforts are guided by the recommendations of faculty, students, staff and other members of our community as well as best practices suggested by nationally recognized Jewish organizations.

Public Safety

- The University added more Public Safety officers, increasing the size of the Public Safety force by 117 full-time employees in the past sixteen months (approximately 24% larger than the Public Safety force in October 2023) and its visible presence on campus.
- Increased staffing enabled Public Safety to conduct more frequent patrols on campus including round-the-clock monitoring of the University's perimeter, critical infrastructure, and facilities.
- The University provided additional Public Safety coverage at the Kraft Center for Jewish Student Life, the International Affairs Building, and patrols on campus and in various buildings.
- To help ensure that its efforts to augment the Public Safety department have a sustained effect, the University increased its investment in recruiting, training, and workforce development for all Public Safety officers and individuals who act as delegates under the Rules of University Conduct. The trainings included a training on interacting with student populations, the enforcement of the University's Rules, and peace officer training, which covered crowd management, crisis management and negotiation, and strengthened rapid response capabilities.

- Public Safety installed upgraded cameras to existing monitoring systems to assist in the identification of those engaging in unsanctioned conduct. The University installed cameras in critical, more public areas. The school monitors cameras around-the-clock. Public Safety investigators review the camera footage to assist in the identification process for any conduct matters.

- Columbia has continued to restrict access to the Morningside campus to individuals with Columbia IDs, and it has instituted mandatory ID checks at all access points.

- The University operates a 24/7 vehicle and walking escort program.

- Public Safety created an incident management center, which has been critical in monitoring protest situations and verifying access at the gates, and Public Safety formed response teams for each shift for immediate response to disruptions or other activity.

- Public Safety reviews several social media monitoring platforms to gather information on potential demonstration activity.
    - The University partnered with law enforcement and others to monitor social media and gather intelligence on potential disruptions for increased Public Safety preparation and response times.

- The University is committed to best practices and continuous improvement of the safety culture on campus and has dedicated new resources intended to ensure that members of the Columbia community can provide feedback on potential safety issues.

Modifications to the Disciplinary Processes

Under the new leadership, the University reviewed existing University policies to identify necessary updates and implementation challenges. As a part of the reassessment, the University sought to identify key improvements in the discipline process and determine best practices and strategies to minimize response times and efficiencies. As a result of this review, this fall Columbia implemented many changes across Columbia's core disciplinary processes that enforce the University's Rules and policies for students, faculty, and staff. For example, Columbia strengthened its complaint and disciplinary processes in an effort to ensure that the processes are enforced on a timely basis, and it increased and improved the transparency and communications to the University community about those processes. Columbia's disciplinary processes function faster and better than it did before.

Office of Institutional Equity

- Columbia redesigned the University's framework, protocols, and organization for handling antidiscrimination, and harassment issues, including alleged violations of Title VI of the Civil Rights Act of 1964, which encompasses issues of antisemitism.

- Columbia's new Office of Institutional Equity serves as the central resource and department for reviewing discrimination complaints, regardless of whether the incident involves students, faculty, or staff.

- The Office of Institutional Equity seeks to ensure that reports are handled in a fair, efficient, and timely manner for all parties involved.

- To encourage reporting and streamline processes for complaint handling, Columbia simplified the online reporting process and created a new "one-click" method to file a complaint from all Columbia websites,

including the Office of Institutional Equity's website.

- The University provided a team of fifty-seven full-time employees—including full-time professional investigators—more than double the previous staff dedicated to handling these issues.
- The increase in personnel has enabled the Office to enhance case resolution efficiency, expand training opportunities, and improve data-driven decision-making to inform policy.
- The Office of Institutional Equity also substantially revised the University's antidiscrimination and discriminatory harassment policy for students and groups, and clarified the application of the policy to scenarios that Columbia has encountered over the past two years, including that antizionism can be antisemitism.
- The Office of Institutional Equity's new website consolidates information on key changes and includes content across all disciplinary divisions in one place.

Rules of University Conduct

- The Rules of University Conduct govern conduct related to or occurring at demonstrations and protests. The University Judicial Board, which is part of the University Senate, is responsible for adjudications and sanctions for violations of the Rules. Each University Judicial Board matter is overseen by a panel of five members of the community. These panelists include faculty, students, and staff that are selected by the University Senate. Each panel is uniquely composed for an individual matter. In the event of any conflicts of interest, a panelist may be replaced with another individual selected by the Senate.
- Historically, the Rules of University Conduct process handled few cases. Recent events on campus led to a substantial increase in the number of cases, and as a result, the University supplemented resources for the Office of the Rules Administrator to enable efficient disposition of matters. This process is overseen by a new Rules Administrator, who has a team of full-time staff (with active hiring taking place for more employees) that make determinations about potential violations.
- The Rules Administrator has primary responsibility for investigating complaints, filing charges, and presenting evidence in support of charges to the Rules of University Conduct hearing panels. These bolstered resources enable the Rules Administrator to investigate and pursue potential Rules violations fully.
- The Rules process has adopted new procedures designed to ensure that documents and materials are stored on a centralized database for more efficient record-keeping and student follow-up.
- During protests, the University uses trained Delegates—members of the University community who choose to be trained for such a role—to enforce the Rules.
- In partnership with University Life, the Rules Administrator expanded the delegate pool and enhanced Delegate training to improve on-the-ground management of protest and demonstration activities and minimize disruptions.

Center for Student Success and Intervention

- Columbia has added staff members to the Center for Student Success and Intervention and that office has returned to its original purpose of assessing potential violations of academic standards or student conduct policies and imposing Dean's Discipline.

- The University appointed new leadership focused on strengthening and improving processes for investigating reports of student misconduct through the Center.

Communication on Discipline and Conduct Expectations

- The University has expanded its public affairs capabilities to respond rapidly to events and issues as they arise, quickly posting statements regarding these matters on Columbia's website and using social media and internal channels to disseminate statements widely. When prohibited conduct is occurring, the University endeavors to alert the campus community quickly and outline the specific consequences for participation.

- When the University has been made aware of antisemitic rhetoric or actions, we have promptly condemned that conduct and restated our commitment to a community free of harassment and discrimination.

Education and Community Building

- Columbia launched its Campus Climate Collaborative, which facilitates small discussions between students and their respective schools and creates opportunities for student groups to meet with President Armstrong and senior leaders. As part of the Collaborative, students and leaders discuss current opportunities and challenges and develop a set of ideas to strengthen Columbia's ability to deliver on its mission.

- The University required its community to complete training on Columbia's commitment to protecting fairness and equal opportunity for all on campus. 32,243 faculty/staff, contractors and other affiliates have completed the Title VI mandatory training. On February 13, 2025, all students were assigned a mandatory training module on the Discrimination and Discriminatory Harassment Policy and Procedures for Students and Student Groups. To date, 5,232 students have completed the mandatory training, which is due by March 24, 2025.

EXHIBIT 55

COLUMBIA UNIVERSITY
OFFICE OF PUBLIC AFFAIRS

STATEMENT

University Statement Regarding UJB Determinations

March 13, 2025



Today, the Columbia University Judicial Board determined findings and issued sanctions to students ranging from multi-year suspensions, temporary degree revocations, and expulsions related to the occupation of Hamilton Hall last spring. With respect to other events taking place last spring, the UJB's determinations recognized previously imposed disciplinary action. The return of suspended students will be overseen by Columbia's University Life Office. Columbia is committed to enforcing the University's Rules and Policies and improving our disciplinary processes.

News

March 19, 2025

Our Next Steps

March 15, 2025

Standing Together for Columbia

March 13, 2025

Update to Our Community Regarding DHS Activity Tonight

March 13, 2025

University Statement Regarding UJB Determinations

March 10, 2025

Leading Through This Challenging Time

EXHIBIT 56

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. President Trump's Executive Order can be found at 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

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

PRESS RELEASE

Justice Department Files Statement of Interest Supporting Equal Access to Educational Opportunities and Facilities for Jewish UCLA Students

The Federal Task Force to Combat Antisemitism announced that the Justice Department filed a statement of interest in the Central District of California to advance the appropriate interpretation of federal...

March 18, 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 57

An official website of the United States government Here's how you know

U.S. Department of Education

PRESS RELEASE

U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment

Letters warn of potential enforcement actions if institutions do not fulfill their obligations under Title VI of the Civil Rights Act to protect Jewish students on campus.

MARCH 10, 2025

WASHINGTON – Today, the U.S. Department of Education's Office for Civil Rights (OCR) sent letters to 60 institutions of higher education warning them of potential enforcement actions if they do not fulfill their obligations under Title VI of the Civil Rights Act to protect Jewish students on campus, including uninterrupted access to campus facilities and educational opportunities. The letters are addressed to all U.S. universities that are presently under investigation for Title VI violations relating to antisemitic harassment and discrimination.

"The Department is deeply disappointed that Jewish students studying on elite U.S. campuses continue to fear for their safety amid the relentless antisemitic eruptions that have severely disrupted campus life for more than a year. University leaders must do better," said **Secretary of Education Linda McMahon.** "U.S. colleges and universities benefit from enormous public investments funded by U.S. taxpayers. That support is a privilege and it is contingent on scrupulous adherence to federal antidiscrimination laws."

The schools that received letters from the Office for Civil Rights include:

1. American University
2. Arizona State University
3. Boston University
4. Brown University
5. California State University, Sacramento
6. Chapman University
7. Columbia University
8. Cornell University
9. Drexel University
10. Eastern Washington University
11. Emerson College
12. George Mason University
13. Harvard University
14. Illinois Wesleyan University
15. Indiana University, Bloomington
16. Johns Hopkins University
17. Lafayette College
18. Lehigh University
19. Middlebury College
20. Muhlenberg College
21. Northwestern University
22. Ohio State University
23. Pacific Lutheran University
24. Pomona College
25. Portland State University
26. Princeton University
27. Rutgers University
28. Rutgers University-Newark
29. Santa Monica College
30. Sarah Lawrence College
31. Stanford University
32. State University of New York Binghamton
33. State University of New York Rockland
34. State University of New York, Purchase
35. Swarthmore College
36. Temple University
37. The New School
38. Tufts University
39. Tulane University
40. Union College

41. University of California Davis
42. University of California San Diego
43. University of California Santa Barbara
44. University of California, Berkeley
45. University of Cincinnati
46. University of Hawaii at Manoa
47. University of Massachusetts Amherst
48. University of Michigan
49. University of Minnesota, Twin Cities
50. University of North Carolina
51. University of South Florida
52. University of Southern California
53. University of Tampa
54. University of Tennessee
55. University of Virginia
56. University of Washington-Seattle
57. University of Wisconsin, Madison
58. Wellesley College
59. Whitman College
60. Yale University

Background:

The Department's OCR sent these letters under its authority to enforce Title VI of the Civil Rights Act (1964), which prohibits any institution that receives federal funds from discriminating on the basis of race, color, and national origin. National origin includes shared (Jewish) ancestry.

Pursuant to Title VI and in furtherance of President Trump's Executive Order "Additional Measures to Combat Antisemitism," the Department launched directed investigations into five universities where widespread antisemitic harassment has been reported. The 55 additional universities are under investigation or monitoring in response to complaints filed with OCR. Last week, the Department, alongside fellow members of the Joint Task Force to Combat Antisemitism including the Department of Justice, the Department of Health and Human Services, and the U.S. General Services Administration, announced the immediate cancelation of $400 million in federal grants and contracts to Columbia University due to the school's continued inaction to protect Jewish students from discrimination. Last Friday, OCR directed its

enforcement staff to make resolving the backlog of complaints alleging antisemitic violence and harassment, many which were allowed to languish unresolved under the previous administration, an immediate priority.

CONTACT

Press Office | press@ed.gov | (202) 401-1576 |
Office of Communications and Outreach (OCO)

Office of Communications and Outreach (OCO)

Page Last Reviewed: March 10, 2025

Pay for College

Fill out the FAFSA
529 Plans
Loan Forgiveness
1098 Tax Forms

Educational Resources

504 Plans
FERPA
IEPs (Individualized Education Program)

Teaching Resources

Become a Teacher
Professional Resources
School Safety and Security

EXHIBIT 58

THE FREEPRESS EXTRA! Get tickets to our next live debate in SF! NEWSLETTERS SIGN

Columbia President Says One Thing to Trump Admin—and Another in Private



(PHOTO BY SPENCER PLATT/GETTY IMAGES)

In a call with faculty, Katrina Armstrong says the school plans not to stick to some of its agreements with the Trump administration.

By Maya Sulkin

03.25.25 — Education

416 221

UPGRADE TO LISTEN 5 MINS

In a private Zoom call over the weekend, interim Columbia president Katrina Armstrong told approximately 75 faculty members that, contrary to her public statements, the school has no plans to meet some key demands made by the Trump administration for Columbia to win back $400 million worth of federal funding.

According to a transcript of the call obtained by *The Free Press*, Armstrong promised that there would be "no change to masking," and "no change to our admissions procedures," both of which the administration has demanded. What's more, she said the school would not put its Middle Eastern, South Asian, and African Studies (MESAAS) department under "academic receivership" for a minimum of five years—another Trump demand. She also told faculty members that "discipline remains independent" and "has not been moved to my office," as the Trump administration's antisemitism task force had insisted.

This is in direct contradiction to Columbia's public promises to the White House.

After the school was stripped of $400 million worth of federal funding earlier this month for having "failed to protect American students and faculty from antisemitic violence and harassment," the task force sent a letter to the university detailing how it could earn back the federal money. Last week, in a memo to the Trump administration, Columbia agreed to the task force's demands—which also included the adoption of the International Holocaust Remembrance Alliance's definition of antisemitism.

A source close to the antisemitism task force told *The Free Press* that the revelations from Armstrong's call could blow up its deal with the administration. "Columbia should not test the administration's resolve in

holding them to every action they've agreed to take to protect their students and faculty," the source said. "We expect full compliance and good faith negotiations if Columbia wants to have a productive relationship with the federal government."

For now, however, Secretary of Education Linda McMahon says that she believes Armstrong will keep her word. Asked about the possibility that Columbia might ignore the terms of the deal it just agreed to, McMahon told *The Free Press* she "believed [Armstrong] is absolutely dedicated and committed to making sure that students on her campus are safe and that civil rights are not in any way being impacted."



KATRINA ARMSTRONG VIA COLUMBIA.EDU

She added: "They have to abide and comply with the terms that we have sat down and talked with them [about] and that they've agreed to."

A Columbia spokesperson told *The Free Press* that Armstrong "has been clear that she wants to constructively engage with our regulators" and "is fully committed to the actions announced on Friday to combat antisemitism and all forms of discrimination which have no place in our community."

The spokesperson also told *The Free Press* that "individuals participating in demonstrations, including those who wear face masks or face coverings, must present their University ID when asked by a University official. Face coverings used to conceal one's identity while violating university rules, policies, or the law are not allowed on campus."

In a statement published Tuesday, Armstrong said, "I regret any confusion and inconsistent statements and want to make sure our position is clear as we go forward." Armstrong restated the action the school claims to be taking to combat antisemitism and added: "Let there be no confusion: I commit to seeing these changes implemented, with the full support of Columbia's senior leadership team and the Board of Trustees."

The transcript reveals the depth of the faculty's frustration with Armstrong's effort to get Columbia's funding restored. Many on the call argued that she should not have made any concessions to the administration, with some faculty members saying they were "appalled" and "profoundly disappointed" with Armstrong, and wondered why the school capitulated to "an authoritarian government." Some questioned why the university hadn't sued the administration to restore its funding.

"This is a crisis not just for Columbia, its biggest crisis since the founding of the republic, but for all universities in this great country," said one faculty member during the call.

Armstrong warned colleagues of the possibility of further funding cuts. “The ability of the federal administration to leverage other forms of federal funding about us in an immediate fashion is really potentially devastating to our students in particular,” she said. “I think [this] is a really critical risk for us to understand.”

At multiple points during the call, Armstrong reiterated her position that the school would not enact the reforms it has committed to publicly.

Later on in the meeting, when describing a new hire to help with the MESAAS department, Columbia provost Angela Olinto clarified that “this is not a receivership. . . . The provost will not be writing or controlling anything. It’s the faculty. Our goal is to just coordinate.” After some pushback, Armstrong doubled down: “There’s no receivership, no intent for receivership.”

Armstrong and Olinto said they would refuse to accept five of the nine demands made by the administration’s antisemitism task force, according to the transcript. The demands they said they would adhere to related to discipline enforcement; so-called “time, place, and manner rules,” which would restrict protests on campus; internal law enforcement; and a plan to hold student groups accountable.

The conditions for Columbia to win back its funding, which were laid out in a letter earlier this month, were the “bare minimum” the government was insisting upon, one person familiar with the matter told *The Free Press* at the time. “This is what’s required for Columbia to even be invited to a negotiating table.”

Columbia is one of 60 colleges and universities under investigation by the administration for failing to control antisemitism on its campus. It is the first institution to have its funding cut. In the 18 months since October 7, 2023, protesters at Columbia have taken over buildings, set up encampments, interrupted classes, and assaulted janitors. Jewish students at the school say they have been subjected to antisemitic violence and harassment.

When one faculty member pointed out the difference between Armstrong's public statements and what she was telling them in private, the transcript shows no recorded response from Armstrong. Later on in the meeting, Armstrong said that she just wants “everybody to understand the process gets subverted by things that happen sometimes outside the institutional voice.”

Lawyers from the Department of Health and Human Services Office of Civil Rights are due to visit Columbia’s campus this week to investigate potential violations of federal civil rights law, *The Wall Street Journal* reported Monday.

Also on Monday, a letter was released signed by over 600 Jewish faculty members, scholars, and students across various U.S. universities outlining their strong opposition to the funding cuts. “Harming U.S. Universities does not protect Jewish people,” the letter reads. “Cutting funding for research does not protect Jewish people. Punishing researchers and scholars does not protect Jewish people. These actions do, however, limit opportunities for students and scholars—within the Jewish community and beyond—to receive training, conduct research, and engage in free expression.”

At the end of the meeting, Armstrong said to her colleagues: “I think us all kind of taking a moment to walk in each other's shoes is really what makes me proudest of this university and it's just been an extraordinary experience to watch people be able to do that and commit to doing that.”

Become a Paid Subscriber

Get access to our comments section, special columns like TGIF and Things Worth Remembering, tickets in advance to our live events, and more.

ENTER YOUR EMAIL

SIGN UP

ALREADY A PAID SUBSCRIBER? SWITCH ACCOUNTS

Maya Sulkin

Maya Sulkin is a reporter and assistant editor. Before that, Maya was chief of staff at *The Free Press*. She started as an intern in 2021 while a student at Columbia University.

TAGS: COLUMBIA CAMPUS WARS

MAKE A COMMENT LIKE ARTICLE SHARE ARTICLE

Comments

Join the conversation

Share your thoughts and connect with other readers by becoming a paid subscriber!

UPGRADE TODAY

ALREADY A PAID SUBSCRIBER? SIGN IN

More in Columbia

EXHIBIT 59

COLUMBIA UNIVERSITY
OFFICE OF PUBLIC AFFAIRS

STATEMENT

A Message from Dr. Katrina A. Armstrong

March 28, 2025



Dear Colleagues,

As I planned when I took on this interim position, and with the support of the Board of Trustees, I am returning to my role as Chief Executive Officer of Columbia University's Irving Medical Center, Executive Vice President for Health and Biomedical Sciences, and Dean of the Faculties of Health Sciences and Medicine and the Vagelos College of Physicians and Surgeons. The Board has now appointed Co-Chair Claire Shipman as the Acting President, effective immediately.

It has been a singular honor to lead Columbia University in this important and challenging time. This is one of the world's great universities, in its most vital city, and I am proud to have worked with extraordinary faculty, students, and alumni. But my heart is with science, and my passion is with healing. That is where I can best serve this University and our community moving forward.

Columbia University is a special place. What we do on our campuses every day changes lives around the world. Our students are transformed by their experiences here, our faculty represent the best of teaching and scholarship, our dedicated staff bring the university to life in so many ways, and we get to serve New York, in all its messy glory.

Over the last few months, I appreciate having had the opportunity to play a small part in navigating this vast enterprise through some of the most difficult moments in its history. The world needs Columbia University, and you can be assured that I will do everything I can to tell that story.

Standing together for Columbia,
Dr. Katrina A. Armstrong

News

March 28, 2025
A Message from Dr. Katrina A. Armstrong

March 28, 2025
Shipman Named Acting President

March 25, 2025
Statement Regarding Columbia's Commitments

March 21, 2025
A Message from the Board of Trustees

March 21, 2025
Sharing Progress on Our Priorities

EXHIBIT 60

An official website of the United States government

U.S. General Services Administration

Joint Task Force statement regarding Columbia University's steps to advance negotiations

March 28, 2025

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

The action taken by Columbia's trustees today, especially in light of this week's concerning revelation, is an important step toward advancing negotiations as set forth in the pre-conditional understanding reached last Friday between the University and the Task Force to Combat Anti-Semitism.

Contact

press@gsa.gov

Last updated: Mar 28, 2025

EXHIBIT 61

A Statement from Constitutional Law Scholars on Columbia

Eugene Volokh, Michael C. Dorf, David Cole, and 15 other scholars

The government may not threaten funding cuts as a tool to pressure recipients into suppressing First Amendment–protected speech.

March 20, 2025



Geo. P. Hall & Son/The New York Historical Society/Getty Images

A lecture hall at Columbia University photographed by the commercial studio George P. Hall & Son, New York City, 1895

We write as constitutional scholars—some liberal and some conservative—who seek to defend academic freedom and the First Amendment in the wake of the federal government's recent treatment of Columbia University.

The First Amendment protects speech many of us find wrongheaded or deeply offensive, including anti-Israel advocacy and even antisemitic advocacy. The government may not threaten funding cuts

as a tool to pressure recipients into suppressing such viewpoints. This is especially so for universities, which should be committed to respecting free speech.

At the same time, the First Amendment of course doesn't protect antisemitic violence, true threats of violence, or certain kinds of speech that may properly be labeled "harassment." Title VI rightly requires universities to protect their students and other community members from such behavior. But the lines between legally unprotected harassment on the one hand and protected speech on the other are notoriously difficult to draw and are often fact-specific. In part because of that, any sanctions imposed on universities for Title VI violations must follow that statute's well-established procedural rules, which help make clear what speech is sanctionable and what speech is constitutionally protected.

Yet the administration's March 7 cancellation of $400 million in federal funding to Columbia University did not adhere to such procedural safeguards. Neither did its March 13 ultimatum stipulating that Columbia make numerous changes to its academic policies—including the demand that, within one week, it "provide a full plan" to place an entire "department under academic receivership for a minimum of five years"—as "a precondition for formal negotiations regarding Columbia University's continued financial relationship with the United States government."

Under Title VI, the government may not cut off funds until it has

- conducted a program-by-program evaluation of the alleged violations;
- provided recipients with notice and "an opportunity for hearing";
- limited any funding cutoff "to the particular program, or part thereof, in which…noncompliance has been…found"; and
- submitted a report explaining its actions to the relevant committees in Congress at least thirty days before any funds can be stopped.

These requirements aim to ensure that any withdrawal of funds is based on genuine misbehavior on the university's part—on illegal toleration of discriminatory conduct, not just on allowance of First Amendment–protected expression. The requirements aim to make clear to recipients of federal funds just what behavior can form the basis for sanctions. And each of the requirements aims to make sure that the sanction fits the offense.

Yet here the sanction was imposed without any agency or court finding that Columbia violated Title VI in its response to antisemitic harassment or discrimination. Even to the extent that some protesters' behavior amounted to illegal harassment of Jewish students, no

agency and no court has concluded that Columbia illegally failed to reasonably respond to such discriminatory behavior—much less failed to act at a level justifying withdrawal of nearly half a billion dollars in funds. The government's action therefore risks deterring and suppressing constitutionally protected speech—not just illegal discriminatory conduct.

And this danger extends beyond universities. The safeguards and limits that the administration has ignored are designed to protect all recipients of federal funding from unwarranted or excessive sanctions. They protect recipients of federal funding across the ideological spectrum, including K-12 schools, hospitals, nursing homes, and business and agricultural initiatives. The administration's failure to honor the Title VI safeguards creates a dangerous precedent for every recipient of federal financial assistance.

Steven G. Calabresi
Clayton J. and Henry R. Barber Professor of Law, Northwestern Law School

Erwin Chemerinsky
Dean and Jesse H. Choper Distinguished Professor of Law, Berkeley Law School

David Cole
Hon. George J. Mitchell Professor in Law and Public Policy, Georgetown University Law Center

Michael C. Dorf
Robert S. Stevens Professor of Law, Cornell Law School

Richard Epstein
Laurence A. Tisch Professor of Law, NYU School of Law

Owen Fiss
Sterling Professor Emeritus of Law, Yale Law School

Aziz Huq
Frank and Bernice J. Greenberg Professor of Law, University of Chicago Law School

Pamela Karlan
Kenneth and Harle Montgomery Professor of Public Interest Law, Stanford Law School

Randall Kennedy
Michael R. Klein Professor of Law, Harvard Law School

Genevieve Lakier
Professor of Law, Herbert and Marjorie Fried Teaching Scholar, University of Chicago Law School

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, *et al.*, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	No. 25 Civ. 2429 (MKV)

DECLARATION OF JOSH GRUENBAUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

I, Josh Gruenbaum, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am the Commissioner of the Federal Acquisition Service ("FAS") at the General Services Administration ("GSA") headquartered in Washington, D.C. I make this declaration based on my own personal knowledge, information contained in the records of GSA, and information provided to me by GSA employees or other federal government employees. I have served in my current position since January 2025.

2. GSA serves as the acquisition and procurement arm of the federal government, offering equipment, supplies, telecommunications, and integrated information technology solutions to federal agencies. GSA maintains information regarding federal government contracting actions in multiple databases, including the Federal Procurement Data System ("FPDS"), which feeds into a database available at USASpending.gov.

3. In my role at GSA, I am responsible for overseeing FAS programs to assist other federal agencies in acquiring goods and services in areas such as technology, travel, and motor

vehicle management. I assist in ensuring that these procurement actions comply with federal law and provide the best value for the government and the American people

4. On January 29, 2025, President Trump issued Executive Order 14188, "Additional Measures to Combat Anti-Semitism," instructing federal government agencies to combat anti-Semitism vigorously, using all available appropriate legal tools, particularly with regard to harassment at schools and on university and college campuses.

5. On or about February 3, 2025, I was named as a member of a Federal Task Force to Combat Anti-Semitism (the "Task Force"), coordinated through the Department of Justice's ("DOJ") Civil Rights Division, and including members of other Federal agencies such as the U.S. Department of Education ("ED") and the U.S. Department of Health and Human Services ("HHS").

6. On March 3, 2025, I issued a Memorandum to Columbia's then Interim President, Dr. Katrina Armstrong, and the Co-Chairs of Columbia's Board of Trustees, David Greenwald and Claire Shipman. A true and correct copy of that Memorandum is attached as Exhibit A.

7. This Memorandum included a list of 27 contracts between the federal government and Columbia, totaling $51.4 million of contract ceiling value, for which "the Federal Government [was] ready to work with each appropriate contracting agency on the potential issuance of Stop Work Orders." This list was compiled based on information found on USASpending.gov. The contract ceiling value is the full amount of potential payment to the contractor, if services rendered under the contract require such payment. The Memorandum asserted the Federal Government's right to terminate for convenience any of these contracts at any time during the period of performance.

8. As an expert in facilitating Federal procurements, GSA, on behalf of the Task Force, identified these contracts between the Federal Government and Columbia as potentially suitable for termination. None of the contracts listed in the March 3, 2025, Memorandum to Columbia were between GSA and Columbia.

9. On March 7, 2025, DOJ, HHS, ED, and GSA issued a press release announcing the immediate cancellation of approximately $400 million in federal grants and contracts to Columbia. The press release stated that GSA would assist other agencies, including HHS and ED, in issuing stop work orders and terminations for contracts held by Columbia.

10. Since March 3, 2025, my understanding is that at least 19 Government contracts with Columbia, with a contract ceiling value of approximately $48 million, have been closed or terminated by federal agencies. None of the contracts were GSA contracts. Each contracting Federal agency made its own determination as to whether to cancel funding for each contract based on agency priorities. For the contracts that were terminated, my understanding is that these contracts were terminated for convenience in light of Columbia University's insufficient response to antisemitism at the University, and they were not terminated pursuant to Title VI of the Civil Rights Act.

11. Per Section 49.101 of the FAR, Federal agency contracting officers have authority to terminate contracts for convenience when it is in the Government's interest. Under the so-called "Christian Doctrine," *G.L. Christian & Associates v. United States*, 312 F.2d 418 (Ct. Cl. 1963), certain mandatory contract clauses, including the termination for convenience clause, are incorporated by law into government contracts, even if not explicitly included in the contract itself. Where a contract is terminated for convenience, the contractor may nevertheless be entitled to

some amount of costs. The Court of Federal Claims is responsible for adjudicating disputes over allowable costs.

12. The Task Force's negotiations with Columbia regarding Federal funding are ongoing and could potentially result in restoration of at least some of the terminated funding.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Washington, DC
May 1, 2025

Signed by:
gruenbaum, josh
2E0F9ABC0FC249F...

JOSH GRUENBAUM

EXHIBIT A

U.S. General Services Administration

3/3/2025

MEMORANDUM FOR: DR. KATRINA ARMSTRONG
INTERIM PRESIDENT
COLUMBIA UNIVERSITY
OFFICE OF THE PRESIDENT
202 LOW LIBRARY
535 W. 116 ST, MC 4309
NEW YORK, NY 10027

DAVID GREENWALD
CLAIRE SHIPMAN
CO-CHAIRS
COLUMBIA BOARD OF TRUSTEES
202 LOW LIBRARY
535 W. 116 ST, MC 4309
NEW YORK, NY 10027

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

SUBJECT: Review of Federal Government Contracts

According to the U.S. House of Representatives Staff Report on Antisemitism, "Columbia University explicitly acknowledged that its campus became a hostile environment in violation of Title VI [of the Civil Rights Act of 1964]" following the Hamas terrorist attacks on Israel on October 7, 2023.[1] 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. On that same date, based on continuing anti-Semitic harassment at Columbia University and other educational institutions, the Departments of Education and Health and Human Services initiated civil rights investigations, which included investigations into anti-Semitic harassment at Columbia University. Notwithstanding the pendency of these investigations, on February 26, 2025, anti-Semitic protesters once again took over a Columbia building and engaged in conduct that appears to violate Title VI.[2]

In response, and in coordination with other Federal agencies, the GSA is leading a Task Force comprehensive review of its 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 Columbia 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 $51.4 million of contract ceiling value. In addition, we are requiring you to send a list of all other contracts between the Federal Government and Columbia 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. Please be advised that alongside our fellow agencies, we will also be reviewing the greater than $5 billion of active grants between Columbia 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.

---

[1]The Report states that: "Columbia stands out for its egregious failure to combat antisemitism on its campus, despite its president acknowledging that the University was in violation of its Title VI obligations. On April 29, 2024, Columbia's then-President Minouche Shafik publicly stated that an encampment established on April 17, and related incidents 'create[ed] a hostile environment in violation of Title VI, especially around our gates, that is unsafe for everyone.' This statement came after an April 21, Committee letter to the University documenting numerous disturbing incidents at and around the encampment, and warning that Columbia was in 'major breach' of its Title VI obligations. Yet, Columbia's leadership failed to restore order to the campus until May 1, after a group of students and others criminally took over a campus building, Hamilton Hall. These were not isolated incidents. Rather, they were part of an extensive pattern of Columbia's failures to enforce University rules to address antisemitic conduct. In a disturbing August 2024 report, Columbia's presidentially appointed Task Force on Antisemitism detailed an atmosphere of pervasive civil rights violations at the University. The Task Force wrote,'[Jewish students] consider the University bound by duty and by law to ensure students are able to learn and live in a neutral environment in which discrimination is not tolerated, without fear for their safety' but '[w]hat we heard makes clear that hundreds of Jewish and Israeli students did not have this experience at Columbia University in the academic year 2023-2024.' The Task Force found Israeli students were frequently targeted on the basis of their national origin in violation of federal antidiscrimination law, explaining that 'hatred toward Israelis has reached alarming levels on campus and that 'Israeli students found the pervasive hostility made it difficult to access necessary services, such as healthcare.' The Task Force also found '[v]isibly observant [Jewish] students, like ones who wear traditional head coverings, have been frequently met with extreme hostility."

[2]"Dozens of keffiyeh-clad anti-Israel protesters took over a building at Barnard College for several hours Wednesday evening, assaulting a school employee while protesting the expulsions of two students who stormed a Columbia University class in January and threw around flyers loaded with hateful rhetoric. Videos circulating online, posted by Columbia Students for Justice in Palestine on X, show the masked students lining a hallway in Milbank Hall, the oldest building on campus, beating drums and loudly chanting through megaphones." Pro-Hamas protesters seize control of historic Barnard academic building and assault college employee.

Columbia University Contracts

PIID	Total
75N93023C00041	$2,501,040.00
75F40124C00081	$1,050,310.00
75D30124F00002	$774,425.00
80ARC023CA004	$2,000,000.00
75F40124C00087	$243,473.00
75N92024F00001	$1,656,603.00
W913E524C0028	$598,834.00
75D30122F00007	$730,877.00
33317425P00517034	$38,000.00
75F40124F19003	$1,974,744.12
75F40123C00211	$1,721,851.00
75D30123F00001	$300,905.00
H9224024F0437	$30,472.50
75N93024P01130	$41,250.00
W912HZ24C0052	$251,487.00
HR001123C0132	$883,979.00
80GSFC23CA001	$29,953,052.00
75N94020F00001	$97,659.00
75N94018F00005	$512,070.00
N0622A25F0032	$562,660.00
75D30124P18698	$249,000.00
1305M322PNRMJ0338	$199,160.00
75F40121F19002	$3,567,988.74
36C24E24N0122	$799,000.00
75N92025F00001	$247,574.00
75N94023F00001	$87,270.00
693JJ323P000053	$205,311.00

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, *et al.,* Plaintiffs, *v.* UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	No. 25 Civ. 2429 (MKV)

DECLARATION OF ALLISON M. ROVNER

I, ALLISON M. ROVNER, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury, as follows:

1. I am an Assistant United States Attorney in the Southern District of New York representing the Defendants in the above-captioned case.

2. Attached to this declaration as Exhibit A is a true and correct copy of a March 7, 2025 letter from the United States Department of Education ("ED") Office of Secondary and Elementary Education's Office of Administration to the Trustees of Columbia University in the City of New York regarding federal award P015A220111.

3. Attached to this declaration as Exhibit B is a true and correct copy of a March 7, 2025 letter from the United States Department of Education ("ED") Office of Secondary and Elementary Education's Office of Administration to the Teacher's College of Columbia University regarding federal award R305X220022.

4. Attached to this declaration as Exhibit C is a true and correct copy of excerpts from the transcript of the March 25, 2025 proceeding before Judge Subramanian in *Khalil v. Trustees of Columbia University*, 25 Civ. 2079.

Dated: May 1, 2025
New York, New York

/s/ Allison M. Rovner
ALLISON M. ROVNER
Assistant United States Attorney

EXHIBIT A

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SECONDARY AND ELEMENTARY EDUCATION
OFFICE OF ADMINISTRATION

3/7/2025

[redacted]
Project Director
THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK
606 W. 122nd Street
[redacted]
NYC, NY 10027

RE: Grant Award Termination

Dear [redacted]:

This letter provides notice that the United States Department of Education is terminating your federal award, P015A220111. *See* 2 C.F.R. § 200.340-43; *see also* 34 C.F.R. § 75.253.

It is a priority of the Department of Education to eliminate discrimination in all forms of education throughout the United States. The Acting Secretary of Education has determined that, per the Department's obligations to the constitutional and statutory law of the United States, this priority includes ensuring that the Department's grants do not support programs or organizations that promote or take part in initiatives that unlawfully discriminate on the basis of race, color, religion, sex, national origin, or another protected characteristic. Illegal policies and practices can violate both the letter and purpose of Federal civil rights law and conflict with the Department's policy of prioritizing merit, fairness, and excellence in education. In addition to complying with the civil rights laws, it is vital that the Department assess whether all grant payments are free from fraud, abuse, and duplication, as well as to assess whether current grants are in the best interests of the United States.

The grant specified above provides funding for programs that promote or take part in initiatives that unlawfully discriminate on the basis of race, color, religion, sex, national origin, or another protected characteristic; that violate either the letter or purpose of Federal civil rights law; that conflict with the Department's policy of prioritizing merit, fairness, and excellence in education; that are not free from fraud, abuse, or duplication; or that otherwise fail to serve the best interests of the United States. The grant is therefore inconsistent with, and no longer effectuates, Department priorities. *See* 2 C.F.R. § 200.340(a)(4); *see also* 34 C.F.R. § 75.253. Therefore, pursuant to, among other authorities, 2 C.F.R. § 200.339-43, 34 C.F.R. § 75.253, and the termination provisions in your grant award, the Department hereby terminates grant No. P015A220111 in its entirety effective 3/7/2025.

If you wish to object to or challenge this termination decision, you must submit information and documentation supporting your position in writing within 30 calendar days of the date of this termination notice. Objections and challenges must be sent by email and first-class mail and addressed to the component head that oversees the grantmaking unit, which will typically be the Assistant Secretary of that unit. In this case, please address your objection or challenge to Ruth Ryder, Deputy Assistant Secretary For Policy & Programs; Office of Elementary and Secondary Education; 400 Maryland Ave., SW; Washington, D.C. 20202; ruth.ryder@ed.gov.

Your appeal should contain the following:

1. a copy of the written notice of termination;
2. the date you received written notice of termination;
3. a brief statement of your argument and the disputed factual, legal, or other issues;
4. the amount of funds or costs in dispute, if any; and
5. any other relevant documents.

See id. § 200.342.

Costs incurred by you after this termination are allowable only if (a) those costs were properly incurred by you before the effective date of this termination, and not in anticipation of it; and (b) those costs would be allowable if your federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect. *See* 2 C.F.R. § 200.343. You are encouraged to carefully review and discharge your closeout responsibilities set forth in 2 C.F.R. § 200.344-45 and your award agreement. Those responsibilities include, but are not limited to, your obligation to "promptly refund any unobligated funds" that have been paid out but "are not authorized to be retained." *See* 2 C.F.R. § 200.344(g). Failure to do so will result in the Department filing a report documenting your "material failure to comply with the terms and conditions of" this award on SAM.gov and taking any other appropriate enforcement actions. *See id.* § 200.344(i).

Finally, you are reminded of your duties under your agreement and Department of Education guidance regarding retention of grant records for at least three years.

Respectfully,



Mark Washington
Deputy Assistant Secretary for Management and Planning

cc: Ruth Ryder

EXHIBIT B

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SECONDARY AND ELEMENTARY EDUCATION
OFFICE OF ADMINISTRATION

3/7/2025

[redacted]
Project Director
TEACHERS COLLEGE COLUMBIA UNIVERSITY
525 West 120th Street
[redacted]
New York, NY 10027

RE: Grant Award Termination

Dear [redacted]:

This letter provides notice that the United States Department of Education is terminating your federal award, R305X220022. *See* 2 C.F.R. § 200.340-43; *see also* 34 C.F.R. § 75.253.

It is a priority of the Department of Education to eliminate discrimination in all forms of education throughout the United States. The Acting Secretary of Education has determined that, per the Department's obligations to the constitutional and statutory law of the United States, this priority includes ensuring that the Department's grants do not support programs or organizations that promote or take part in initiatives that unlawfully discriminate on the basis of race, color, religion, sex, national origin, or another protected characteristic. Illegal policies and practices can violate both the letter and purpose of Federal civil rights law and conflict with the Department's policy of prioritizing merit, fairness, and excellence in education. In addition to complying with the civil rights laws, it is vital that the Department assess whether all grant payments are free from fraud, abuse, and duplication, as well as to assess whether current grants are in the best interests of the United States.

The grant specified above provides funding for programs that promote or take part in initiatives that unlawfully discriminate on the basis of race, color, religion, sex, national origin, or another protected characteristic; that violate either the letter or purpose of Federal civil rights law; that conflict with the Department's policy of prioritizing merit, fairness, and excellence in education; that are not free from fraud, abuse, or duplication; or that otherwise fail to serve the best interests of the United States. The grant is therefore inconsistent with, and no longer effectuates, Department priorities. *See* 2 C.F.R. § 200.340(a)(4); *see also* 34 C.F.R. § 75.253. Therefore, pursuant to, among other authorities, 2 C.F.R. § 200.339-43, 34 C.F.R. § 75.253, and the termination provisions in your grant award, the Department hereby terminates grant No. R305X220022 in its entirety effective 3/7/2025.

If you wish to object to or challenge this termination decision, you must submit information and documentation supporting your position in writing within 30 calendar days of the date of this termination notice. Objections and challenges must be sent by email and first-class mail and addressed to the component head that oversees the grantmaking unit, which will typically be the Assistant Secretary of that unit. In this case, please address your objection or challenge to Ruth Ryder, Deputy Assistant Secretary For Policy & Programs; Office of Elementary and Secondary Education; 400 Maryland Ave., SW; Washington, D.C. 20202; ruth.ryder@ed.gov.

Your appeal should contain the following:

1. a copy of the written notice of termination;
2. the date you received written notice of termination;
3. a brief statement of your argument and the disputed factual, legal, or other issues;
4. the amount of funds or costs in dispute, if any; and
5. any other relevant documents.

See id. § 200.342.

Costs incurred by you after this termination are allowable only if (a) those costs were properly incurred by you before the effective date of this termination, and not in anticipation of it; and (b) those costs would be allowable if your federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect. *See* 2 C.F.R. § 200.343. You are encouraged to carefully review and discharge your closeout responsibilities set forth in 2 C.F.R. § 200.344-45 and your award agreement. Those responsibilities include, but are not limited to, your obligation to "promptly refund any unobligated funds" that have been paid out but "are not authorized to be retained." *See* 2 C.F.R. § 200.344(g). Failure to do so will result in the Department filing a report documenting your "material failure to comply with the terms and conditions of" this award on SAM.gov and taking any other appropriate enforcement actions. *See id.* § 200.344(i).

Finally, you are reminded of your duties under your agreement and Department of Education guidance regarding retention of grant records for at least three years.

Respectfully,



Mark Washington
Deputy Assistant Secretary for Management and Planning

cc: Ruth Ryder

EXHIBIT C

P3PNKHAO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

MAHMOUD KHALIL, *et al.*,

Plaintiffs,

v. 25 Civ. 2079 (AS)

THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, *et al.*,

Defendants. Oral Argument

----------x

New York, N.Y.
March 25, 2025
2:00 p.m.

Before:

HON. ARUN SUBRAMANIAN,

District Judge

APPEARANCES

DRATEL & LEWIS
Attorneys for Plaintiffs
BY: AMY E. GREER
and
CAIR LEGAL DEFENSE FUND
Attorneys for Plaintiffs
BY: GADEIR E. ABBAS

HECKER FINK LLP
Attorneys for Columbia Defendants
BY: GABRIELLE TENZER
MARSHALL L. MILLER
ZACHARY J. PIAKER
TRISHA ANDERSON

OFFICE OF GENERAL COUNSEL, U.S. HOUSE OF REPRESENTATIVES
Attorneys for House Defendants
BY: MATTHEW B. BERRY
ANDY WANG
TODD B. TATELMAN

suggestions that funding would be either withdrawn or paused if those measures were not taken by March 20?

MR. MILLER: Your Honor, many of those measures were the product of months and months of work. I think it is also important for the record that everyone understands that these things don't match up one to one.

THE COURT: That's why I said it the way I did.

Is it the university's position that it would have taken the steps outlined in the March 21 announcement whether or not there had been any indication that federal funding would have been withdrawn?

Yes or no.

MR. MILLER: Well, your Honor, I mean, it is a hypothetical that I think I would want to make sure --

THE COURT: I don't think it is a hypothetical. It's just asking what the university's position is on what actually happened.

There was the March 21 announcement of those steps.

Would that have been done whether or not there had been any indication from the Executive Branch defendants that funding would be withdrawn?

MR. MILLER: May I have a moment, your Honor.

THE COURT: You may.

(Pause)

MR. MILLER: I think, your Honor, the best way to put

it was that all the 18 actions that were announced on March 21 were actions that were under review and work and development for many months.

I think the letter from the government essentially crystallized those lines of effort and affected timing. But all of those lines of effort were in play and were ongoing for some significant periods of time before the March 13 letter and ultimate March 21 announcement.

THE COURT: Right.

So it is at least Columbia's position here that the steps outlined in the March 21 announcement would have been taken regardless of any suggestion relating to funding?

MR. MILLER: I think it's -- I think that -- I just want to be careful about the timing particularly, your Honor.

The university recognized that actions needed to be taken. The university engaged in a significant amount of work. I would be happy to -- I think it would be useful to talk about the definition, for example --

THE COURT: I don't want to get -- I will let you speak to that. Let me just make sure I understand.

You are saying that we were talking about a lot of these things. It may be that the timing and the precise substance of these things were related to the March 13 letter and the suggestion about funding. That might have sped up how we were doing things. It may have affected the particular

inquiries that we had. But, generally speaking, the university was looking into some of these issues.

Is that a fair characterization?

MR. MILLER: Yes. And looking into it with a degree of urgency as well.

I don't want to make it seem like the university was dithering. It wasn't. It was looking at them with diligence and with care.

But in terms of the precise timing of the announcement of them and the crystallization of them into these actions, I do want to be, you know, clear that the March 13 letter did have an impact.

THE COURT: All right. Okay.

So, Mr. Abbas, I will throw it back to you. Then we will cycle around and give each -- let's try to do it five minutes or so.

And I'll let you cover anything you need to, just so we can try to wrap up by 4 p.m.

And I will have some next steps for everybody.

MR. ABBAS: Yes, your Honor.

Ms. Greer is going take from it here.

MS. GREER: I had prepared some remarks here, but I won't read all of it because I think it will take us a little too long.

But I would like to take a moment to think about the

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE, *et al.*

Defendants.

Case No.: 1:25-cv-02429-MKV

REPLY DECLARATION OF JONATHAN ROSENTHAL IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Jonathan Rosenthal, hereby declare as follows:

1. I am an attorney at the law firm Altshuler Berzon LLP in San Francisco, CA, and am a member of the State Bar of California. I am co-counsel for Plaintiffs in this matter, and have been admitted to practice *pro hac vice* in this case. I make this statement based on personal knowledge, and if called as a witness could and would testify competently thereto.

2. This declaration is submitted in support of Plaintiffs' Reply in support of their motion for a preliminary injunction.

3. Attached hereto as **Exhibit 62** is a true and correct copy of the following article: Sara Reardon, *Exclusive: NIH freezes all research grants to Columbia University*, ScienceInsider (Apr. 9, 2025), downloaded from https://www.science.org/content/article/nih-freezes-all-research-grants-columbia-university.

4. Attached hereto as **Exhibit 63** is a true and correct copy of the following article: Maddie Khaw, *All of Columbia's NIH Funding Is Apparently Frozen. Here's What That Looks Like for One Researcher.*, Chronicle of Higher Education (Apr. 11, 2025), downloaded from https://www.chronicle.com/article/all-of-columbias-nih-funding-is-apparently-frozen-heres-what-that-looks-like-for-one-researcher.

5. Attached hereto as **Exhibit 64** is a true and correct copy of a letter from Josh Gruenbaum, Sean R. Keveney and Thomas E. Wheeler, to Alan M. Garber, President of Harvard University (Apr. 11, 2025), downloaded from https://www.harvard.edu/research-funding/wp-content/uploads/sites/16/2025/04/Letter-Sent-to-Harvard-2025-04-11.pdf, and available at https://perma.cc/NH46-XV98.

6. Attached hereto as **Exhibit 65** is a true and correct copy of the following article: Michael C. Bender, Alan Blinder, and Jonathan Swan, *Inside Trump's Pressure Campaign on*

Universities, New York Times (Apr. 14, 2025), downloaded from https://www.nytimes.com/2025/04/14/us/politics/trump-pressure-universities.html.

7. Attached hereto as **Exhibit 66** is a true and correct copy of the following statement: *Sustaining Columbia's Vital Mission*, Columbia University Office of the President (Apr. 14, 2025), downloaded from https://president.columbia.edu/news/sustaining-columbias-vital-mission.

8. Attached hereto as **Exhibit 67** is a true and correct copy of a letter from William A. Burck and Robert K. Hur, to Josh Gruenbaum, Sean R. Keveney and Thomas E. Wheeler (Apr. 14, 2025), downloaded from https://www.harvard.edu/research-funding/wp-content/uploads/sites/16/2025/04/Harvard-Response-2025-04-14.pdf, and available at https://perma.cc/TB3P-W6QE.

9. Attached hereto as **Exhibit 68** is a true and correct copy of the following press release: *Joint Task Force to Combat Anti-Semitism Statement Regarding Harvard University*, U.S. Dep't of Education (Apr. 14, 2025), downloaded from https://www.ed.gov/about/news/press-release/joint-task-force-combat-anti-semitism-statement-regarding-harvard-university, and available at https://perma.cc/A5ZW-VFYQ.

10. Attached hereto as **Exhibit 69** is a true and correct copy of the following article: Liz Essley Whyte, Douglas Belkin, and Sara Randazzo, *The Little-Known Bureaucrats Tearing Through American Universities,* Wall Street Journal (Apr. 14, 2025), downloaded from https://www.wsj.com/us-news/education/anti-semitism-task-force-who-247c234e.

11. Attached hereto as **Exhibit 70** is a true and correct copy of the following article: Alan Blinder, *Trump Has Targeted These Universities. Why?*, New York Times (April 15, 2025), downloaded from https://www.nytimes.com/article/trump-university-college.html.

12. Attached hereto as **Exhibit 71** is a true and correct copy of the following webpage: *Miguel S. Urquiola*, Columbia University, Office of the Provost, downloaded from https://provost.columbia.edu/people/miguel-s-urquiola, last accessed on May 1, 2025.

13. Attached hereto as **Exhibit 72** is a true and correct copy of the following article: Meghnad Bose and Sacha Biazzo, *Inside Columbia's Betrayal of its Middle Eastern Studies Department*, The Intercept (Apr. 16, 2025), downloaded from https://theintercept.com/2025/04/16/columbia-middle-eastern-studies-trump-attacks/, and available at https://perma.cc/6WH8-AXUY.

14. Attached hereto as **Exhibit 73** is a true and correct copy of a social media post of President Donald Trump (@realDonaldTrump), from Truth Social, posted on Apr. 16, 2025, 7:05AM, downloaded from https://truthsocial.com/@realDonaldTrump/posts/114347313852363347.

15. Attached hereto as **Exhibit 74** is a true and correct copy of the following article: Anil Oza and Megan Molteni, *NIH said to have halted awarding of new grants to top universities*, STAT News (Apr. 18, 2025), downloaded from https://www.statnews.com/2025/04/18/nih-halts-grants-to-universities-with-frozen-funds-harvard-columbia-northwestern-cornell/, and available at https://perma.cc/6A4R-S63S.

16. Attached hereto as **Exhibit 75** is a true and correct copy of a social media post of Max Kozlov (@maxdkozlov), from X.com, posted on Apr. 18, 2025, 3:24PM, downloaded from https://x.com/maxdkozlov/status/1913327818873700556, and available at https://perma.cc/H9M5-J6YA.

17. Attached hereto as **Exhibit 76** is a true and correct copy of the following article: Nandika Chatterjee, *Trump Takes Personal Revenge on Harvard's Lawyer for Standing Up to*

Him, The Daily Beast (Apr. 24, 2025), downloaded from https://www.thedailybeast.com/trump-takes-personal-revenge-on-harvards-lawyer-for-standing-up-to-him/, and available at https://perma.cc/GN5D-MKED.

18. Attached hereto as **Exhibit 77** is a true and correct copy of a letter from Linda E. McMahon, to Alan M. Garber, President of Harvard University (May 5, 2025), downloaded from https://x.com/EDSecMcMahon/status/1919517481313427594, and available at https://perma.cc/7QGC-WYE7.

19. Attached hereto as **Exhibit 78** is a true and correct copy of the following statement: *Preserving Columbia's Critical Research Capabilities*, Columbia University Office of the President (May 6, 2025), downloaded from https://president.columbia.edu/news/preserving-columbias-critical-research-capabilities.

20. Attached hereto as **Exhibit 79** is a true and correct copy of the following article: DPP/DPPOS Research Group, *An open letter to the Columbia administration*, Columbia Spectator (May 4, 2025), downloaded from https://www.columbiaspectator.com/opinion/2025/05/04/an-open-letter-to-the-columbia-administration/.

21. Attached hereto as **Exhibit 80** is a true and correct copy of the following article: Liz Essley Whyte and Douglas Belkin, *Trump Administration Proposes Terms for Federal Oversight of Columbia University,* Wall Street Journal (May 5, 2025), downloaded from https://www.wsj.com/us-news/education/trump-columbia-university-consent-decree-proposal-d21830f2.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 8, 2025 Signed: /s/

Jonathan Rosenthal

Counsel for Plaintiffs

EXHIBIT 62

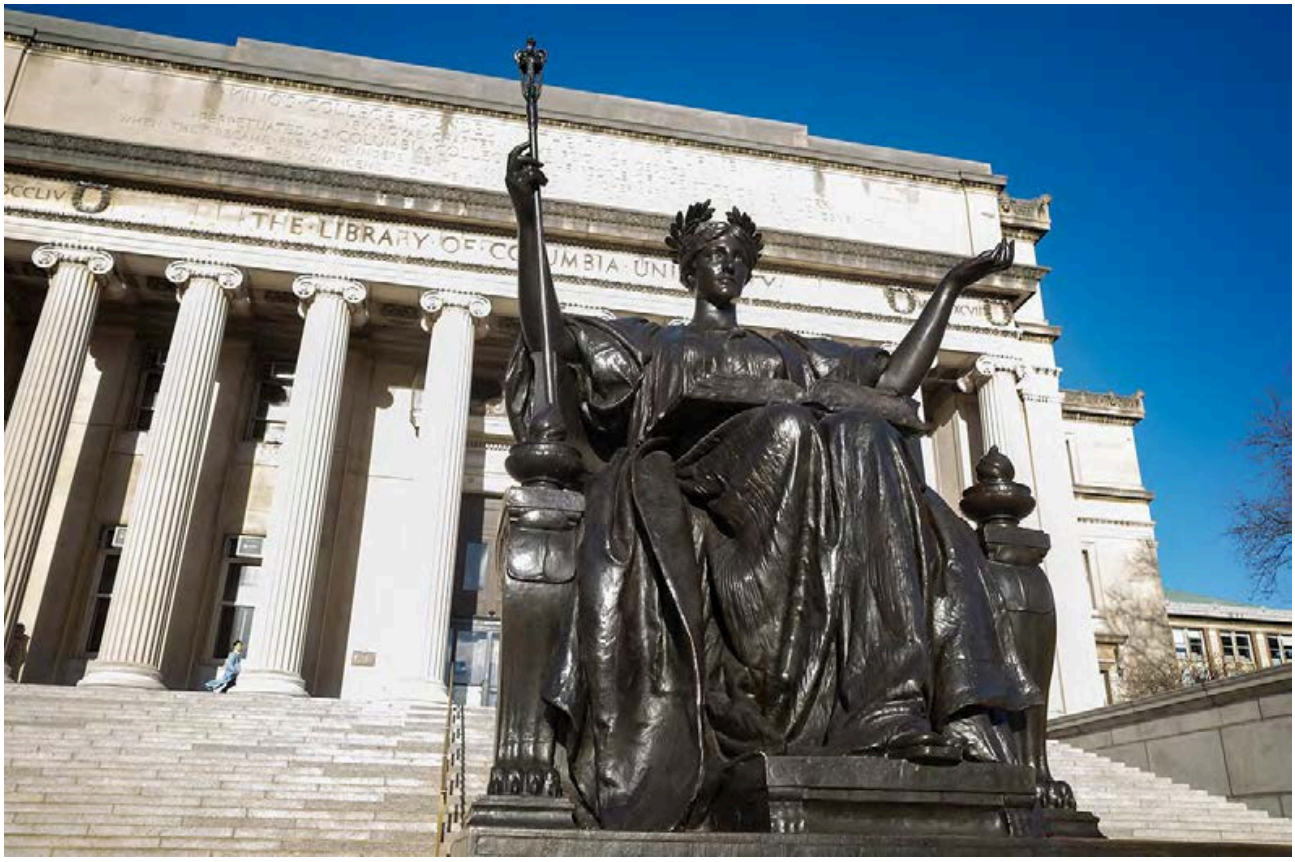
ADVERTISEMENT

SCIENCEINSIDER SCIENCE AND POLICY

Exclusive: NIH freezes all research grants to Columbia University

Amid negotiations with Trump, the university could risk losing nearly $700 million

9 APR 2025 • 2:40 PM ET • BY SARA REARDON



So far unable to satisfy the demands of President Donald Trump's administration, Columbia University stands to lose even more of its funding from the National Institutes of Health. TAIDGH BARRON/ZUMA

SHARE:

RELATED ARTICLE

After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts

BY JOCELYN KAISER • NEWS • 18 MAR 2025

LISTEN TO THIS ARTICLE

Weeks after President Donald Trump's administration ordered the U.S. National Institutes of Health (NIH) to pull $250 million in biomedical research grants to Columbia University, the agency is freezing all remaining grant money owed to the university until further notice, according to internal documents seen by *Science*.

Last month, White House began to pressure Columbia over its handling of anti-Israel protests and other allegations of antisemitism at the university, saying it was killing $400 million in federal grants to the school, including the NIH money. NIH terminated approximately 400 grants to Columbia on 12 March and ordered their researchers to stop work on them.

Yesterday, NIH raised the stakes: At the behest of its parent agency, the U.S. Department of Health and Human Services (HHS), NIH will not only block new funding for the university, but also stop paying investigators working on all existing NIH projects. Although these researchers will not be ordered to stop work, they will need prior approval from NIH to draw from existing disbursements, according to an NIH source. At this time, Columbia has not received notice from NIH about additional cancellations. "The University remains in active dialogue with the Federal Government to restore its critical research funding," the school said in a statement.

SIGN UP FOR THE AWARD-WINNING *SCIENCE*ADVISER NEWSLETTER

The latest news, commentary, and research, free to your inbox daily

SIGN UP ›

In an 8 April email seen by *Science*, NIH's Office of Policy for Extramural Research Administration Director Michelle Bulls told grant administrators that HHS had initially ordered NIH to terminate the first "wave" of grants to Columbia and hold others while the school negotiated with the government. Now, she said, no NIH awards can be made to Columbia until the restriction is lifted. In 2024, Columbia received about $690 million in grant funding from NIH.

It's not yet clear whether other federal science agencies are also killing additional Columbia grants, but NIH's latest action comes as the university has acquiesced to some administration demands while still negotiating on others. The White House also announced yesterday it was freezing $1 billion in federal funding at Cornell University and $750 million at Northwestern University.

The Trump administration has released a list of 60 universities it claims have not done enough to quell "antisemitic" speech amid student protests against Israel's campaign in Gaza. The administration also accuses the universities of racism through their diversity, equity, and inclusion programs, although it has not yet brought any formal civil rights actions against the schools.

ADVERTISEMENT

Brown University also had its NIH grants frozen, and the agency is reviewing its funding to Harvard University as part of a broader Trump administration review of some $9 billion in federal funding to the Massachusetts school.

Update, 10 April, 5:10 p.m.: This story has been updated with a response from Columbia.

Update, 11 April, 1:50 p.m.: This story originally said Princeton had NIH grants frozen but it's grants from other federal agencies that were halted. Princeston says it has no knowledge of any frozen NIH grants.

doi: 10.1126/science.zvvtq5o

RELEVANT TAGS:

SCIENCE AND POLICY SCIENTIFIC COMMUNITY

EXHIBIT 63

'A PERFECT STORM'

All of Columbia's NIH Funding Is Apparently Frozen. Here's What That Looks Like for One Researcher.

By Maddie Khaw April 11, 2025



M. SCOTT BRAUER FOR THE CHRONICLE

When Donna Farber saw a *Science* article on Wednesday reporting that all of Columbia University's National Institutes of Health grants had been frozen, it confirmed what she

Back to Top

already knew. But Farber, a professor of microbiology and immunology at Columbia, was still shaken.

In an interview after the news broke, Farber said there was little clarity for researchers on how to move forward. She's wondering if she'll have the money to order more reagents for lab tests, to keep her grad students on payroll, and to obtain the cell-tissue samples she studies.

From the Chronicle Store



ARTICLE COLLECTION

The Future of Regional Publics

Stand out in a crowded playing field

Visit The Store

According to *Science*, an NIH director sent an email to staffers last Tuesday instructing them not to award any new grants to Columbia until a restriction is lifted. Principal investigators reportedly can't draw down on existing grants, either, unless they get approval from the agency.

Farber is far from alone in facing funding woes. Many researchers nationwide have permanently lost their grants as the NIH under President Trump takes a sledgehammer to projects it deems "no longer effectuate agency priorities," such as those focused on topics like LGBTQ+ health, minority populations, and Covid-19. Projects that are not political targets have also become collateral damage. Many of Farber's Columbia colleagues have already lost grants for good, amid Trump's cancellation of $400 million in federal funding to the institution last month.

But Farber's situation illustrates a unique experience amid the broader storm: what it's like to try to keep a federally funded lab afloat when your institution has seemingly been singled out by the government as Public Enemy No. 1.

The Trump administration's mass withdrawal of funding to Columbia last month included awards from the Department of Health and Human Services, which oversees the NIH. That kicked off a campaign to enact similar freezes and reviews of funding to numerous other universities, including most of the Ivy League and Northwestern University. At nearly all of those institutions, the government has argued that punishment is warranted because campus officials haven't done enough to combat antisemitism.

Columbia acquiesced to a laundry list of demands from the administration in an attempt to win back that funding. Now apparently the university's entire NIH budget is on ice.

Columbia has still not received notice from the NIH about an across-the-board funding pause, a university spokesperson wrote in an email to *The Chronicle*: "The university remains in active dialogue with the federal government to restore its critical research funding."

When reached by *The Chronicle*, an NIH official did not confirm whether it had paused all grants. "NIH is taking action to review and, in some cases freeze or terminate, research funding that is not aligned with NIH and HHS priorities," the statement said. "We remain dedicated to restoring our agency to its tradition of upholding gold-standard, evidence-based science."

Difficult Decisions

Farber's work relies almost entirely on grants from the NIH, which pays for researchers' wages, equipment, and keeping the lights on in their labs.

Farber recently applied for a noncompetitive renewal of the largest grant she receives, which funnels $2.3 million a year to her research on immune cells in human tissue. This would have been the ninth year in a row that Farber received this particular grant, through the National Institute of Allergy and Infectious Diseases. It funds the most expensive and essential parts of her lab's work, along with nine other investigators working on the same program in other labs.

For Farber, that money covers the salaries of some of her grad students and postdocs, as well as the costs of acquiring tissue samples and running sophisticated tests on those samples.

NIH grants are often awarded in five-year cycles, but investigators must submit progress reports to unlock funding each year. Farber submitted her report in January, as she has the past nine years. Typically, she'd hear back by February that the award was approved, then receive funding by early March.

This year, the money was more than a month late when Farber began to inquire.

Last week, Farber heard during a phone call with an "undisclosed source" that the NIH won't award grants to Columbia, she said. That broader freeze was confirmed by the *Science* article, which is how most Columbia researchers learned their grants were stalled. Columbia received about $690 million from the NIH in 2024, according to *Science*.

"Every time you think your head is a little bit more above water, another wave comes to push you down. It's not sustainable."

Usually, Farber said, her lab obtains new tissue samples each week from organ donors. But after that phone call last week, Farber pressed pause. She will now have to make difficult decisions about how to proceed.

"It's a bit of a gamble right now," she said. Should she continue normal operations with the hope and assumption that funding will materialize eventually, or slim down on spending — thus delaying her lab's progress — for fear that the grant might never come?

"[The grant is] still on the books, but it has to be released," Farber said. "There's just many ways that I guess you don't fund something — cancel it, freeze it, never fund it. So is this just one of the different ways that they're just not going to fund things?"

This time last year, Farber had 26 people in her lab. She's now down to 15. By June, that number will be 10. She's had to terminate some employees and not renew others, and she won't be able to replace graduate students who are moving on.

Disruption and Destruction

For Farber, the trouble started in December, when the Department of Defense terminated a different, vaccine-related grant, she said. She laid off some staff, couldn't fill vacant positions, and scrambled to move funds around.

By the time the Trump administration in March announced its first wave of funding cancellations at Columbia, slashing the training grants that fund the wages of some of the students and postdocs in her lab, her funds were already spread thin. She had to scrounge up additional money from other grants to cover those workers' salaries for the remaining months in their contracts. She let some of them know those contracts would not be renewed.

The news this week of the sweeping grant pauses and the administration's plans to try to put Columbia under federal oversight was another one-two punch, Farber said. She's worried she might not be able to stretch funds for much longer. She doesn't know if she can even spend on existing grant accounts.

"You can maybe handle one disruption or another disruption," Farber said. "It's become a perfect storm. Every time you think your head is a little bit more above water, another wave comes to push you down. It's not sustainable."

Farber has applied for other NIH grants, but now, everything is uncertain, including her own salary.

"Will they even review grants from Columbia?" she said. "Even if they review them and they get a fundable score, will they fund them? How long will this last? Where are we headed? We don't know."

What Will Trump's Presidency Mean For Higher Ed?



THE CHRONICLE OF HIGHER EDUCATION

Keep up to date on the latest news and information, and contact our journalists covering this ongoing story.

She could try to apply for more funding from private foundations, she said, but that wouldn't come close to matching what public grants have covered since she started running her lab in 1996. "There's no other way," she said. "Nothing is like NIH."

Farber said Columbia leadership has not communicated with research professors on what comes next.

"But the only thing is, I don't know what they want in the end, except to destroy us," she said of the federal government. "That's the problem."

We welcome your thoughts and questions about this article. Please email the editors or submit a letter for publication.

Tags Scholarship & Research | Finance & Operations | Law & Policy

EXHIBIT 64

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.

- 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.

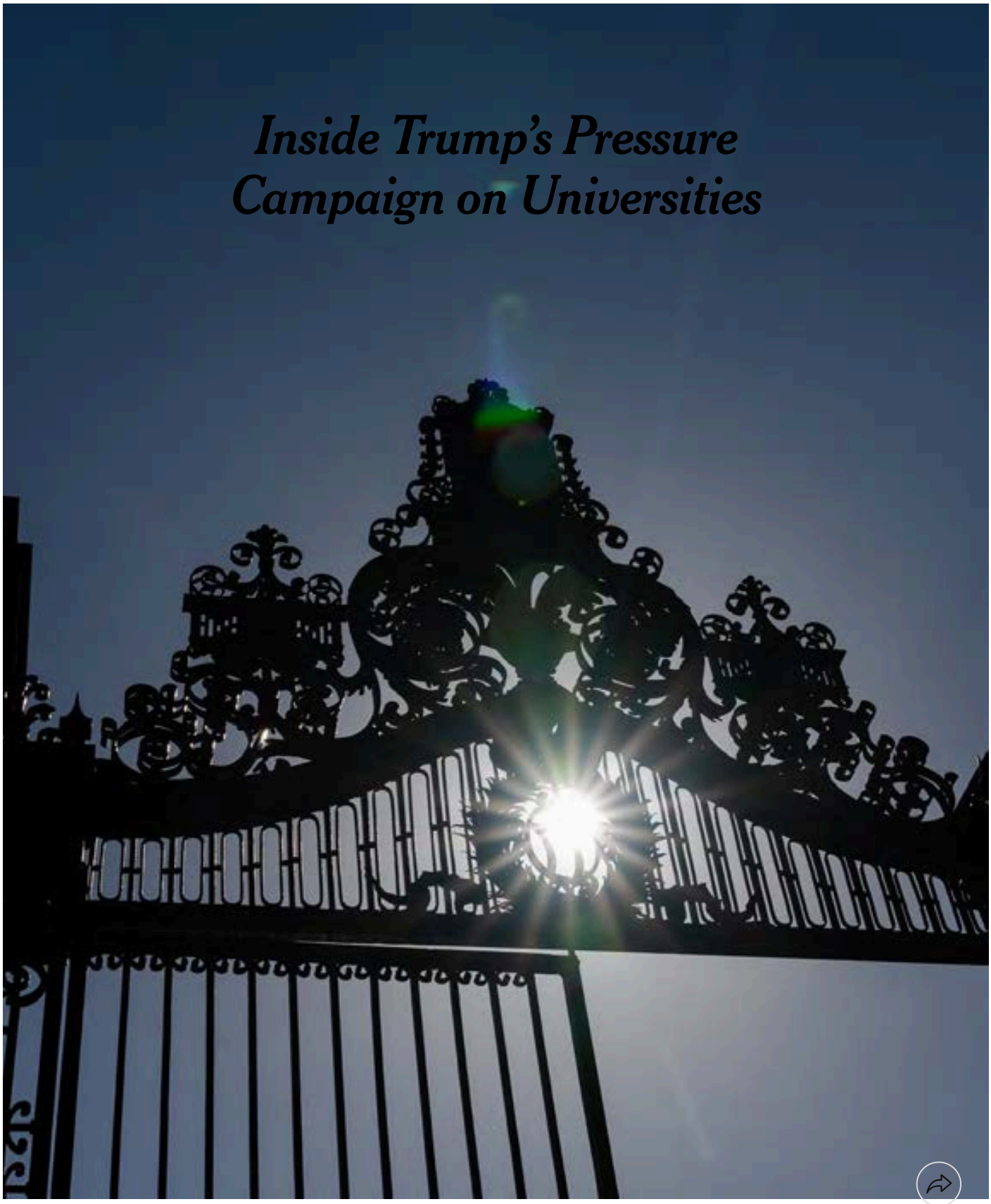
Sincerely,

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

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

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

EXHIBIT 65


Inside Trump's Pressure
Campaign on Universities

The opaque process, part of a strategy by conservatives to realign the liberal tilt of elite universities, has upended higher education.

Listen to this article · 16:39 min Learn more



By Michael C. Bender, Alan Blinder and Jonathan Swan

Published April 14, 2025 Updated April 15, 2025, 8:07 a.m. ET

As he finished lunch in the private dining room outside the Oval Office on April 1, President Trump floated an astounding proposal: What if the government simply canceled every dollar of the nearly $9 billion promised to Harvard University?

The administration's campaign to expunge "woke" ideology from college campuses had already forced Columbia University to strike a deal. Now, the White House was eyeing the nation's oldest and wealthiest university.

"What if we never pay them?" Mr. Trump casually asked, according to a person familiar with the conversation, who spoke on the condition of anonymity to describe the private discussion. "Wouldn't that be cool?"

The moment underscored the aggressive, ad hoc approach continuing to shape one of the new administration's most consequential policies.

Mr. Trump and his top aides are exerting control of huge sums of federal research money to shift the ideological tilt of the higher education system, which they see as hostile to conservatives and intent on perpetuating liberalism.

Their effort was energized by the campus protests against Israel's response to the October 2023 terrorist attack by Hamas, demonstrations during which Jewish students were sometimes harassed. Soon after taking office, Mr. Trump formed the Task Force to Combat Antisemitism, which is scrutinizing leading universities for potential civil rights violations and serving as an entry point to pressure schools to reassess their policies.

It is backed by the influence of Stephen Miller, who is Mr. Trump's deputy chief of staff for policy and the architect of much of the president's domestic agenda.

The opaque process is upending campuses nationwide, leaving elite institutions, long accustomed to operating with relative freedom from Washington, reeling from a blunt-force political attack that is at the leading edge of a bigger cultural battle.

The task force includes about 20 administration officials, most of whom the government has not publicly identified, citing potential security risks. They meet each week inside a rotating list of federal agency headquarters in Washington to discuss reports of discrimination on college campuses, review grants to universities and write up discoveries and recommendations for Mr. Trump.

On a parallel track, a few powerful aides in the West Wing, including Mr. Miller, have separately moved to stymie funding for major institutions without formally going through the task force.

These aides have spoken privately of toppling a high-profile university to signal their seriousness, said two people familiar with the conversations. And they have already partially suspended research funding for more than twice as many schools as has the task force, according to those familiar with their work.

This account of the inner workings of the higher education pressure campaign is based on interviews with more than two dozen senior administration officials, university leaders and outside advisers for both sides. Many spoke on the condition of anonymity to discuss private conversations or because they feared retribution against their campuses.

The White House scored an early win with Columbia's capitulation last month to a list of demands that included tightening disciplinary policies and installing new oversight of the university's Middle Eastern, South Asian and African studies department.

Since then, the Trump administration expanded its focus to six more of the nation's most exclusive universities, including Harvard.

By the time Mr. Trump privately discussed stopping all payments to Harvard, the task force had opened a funding review. That led the administration to send the university a list of demands on Friday, including that it bring in an outsider "to audit those programs and departments that most fuel antisemitic harassment or reflect ideological capture." The government also insisted that Harvard change hiring and admissions in departments that "lack viewpoint diversity" and "immediately shutter" any programs related to diversity, equity and inclusion.

Harvard said on Monday that it would not acquiesce. The university's president, Alan M. Garber, wrote in an open letter that most of the administration's demands "represent direct governmental regulation of the 'intellectual conditions' at Harvard." The university, Dr. Garber added, "will not surrender its independence or relinquish its constitutional rights."

In a separate letter, two outside lawyers representing Harvard told administration officials that the university "is not prepared to agree to demands that go beyond the lawful authority of this or any administration."

Hours later, the task force announced a freeze of more than $2.2 billion in grants and contracts for Harvard.

The scope of the administration's campaign is now poised to widen. The Education Department has warned 60 universities that they could face repercussions from pending investigations into accusations of antisemitism.

The push comes as public confidence in higher education has plummeted in the past decade, according to a Gallup poll in July. The decline was driven mostly by concerns of colleges pushing political agendas, not teaching relevant skills, and the costs, the survey showed.

Still, university leaders have been stunned by the swift assault, with no clear sense of how the Trump administration chooses its targets, on what basis it is formulating penalties, or how to push back. Many see the effort as a widespread attack on academic freedom aimed at crushing the influence of higher education.

"I've never seen this degree of government intrusion, encroachment into academic decision-making — nothing like this," said Lee C. Bollinger, who spent 21 years as Columbia's president and more than five years leading the University of Michigan.

For their part, Trump administration officials and their allies say they are trying to hold accountable a system that each year receives about $60 billion in federal research funds while educating about 15 million undergraduates.

"We're not looking to just file lawsuits — we want to compel a cultural change in how Jewish Americans are treated on college campuses," Attorney General Pam Bondi, a member of the task force, said in an interview.

But the effort has gone beyond addressing antisemitism, with schools targeted for diversity programs and supporting transgender athletes. In the view of some of Mr. Trump's closest advisers and key donors, leftists have seized control of America's most powerful institutions, including pillars of higher education, and wresting back power is key to the future of Western civilization.

"The universities seem all powerful and they have acted as if they were all powerful, and we're finally revealing that we can hit that where it hurts," Christopher F. Rufo, a conservative activist who has championed the strategy, said in an interview.

‘Vanquish the Radicals’



During a rally last May in Waukesha, Wis., President Trump asked college presidents to “vanquish the radicals and take back our campuses for all of the normal students.” Doug Mills/The New York Times

During last year’s presidential campaign, Mr. Trump looked out from his rally stages and described a nation he viewed as rife with discrimination against conservatives.

And for him, nowhere was political injustice as pervasive as on college campuses run by “Marxist maniacs and lunatics.”

Weeks after opening his third presidential bid, Mr. Trump had announced a “free speech policy initiative,” promising to strip federal research dollars and student loan support from universities involved in what he generalized as “censorship activities or election interferences.”

Six months later, he complained about “racial discrimination” in higher education, suggesting universities were increasingly hostile to white students. He vowed to open civil rights investigations into schools that promoted diversity, and he doubled down on those threats when the Supreme Court rejected affirmative action in college admissions.

At the same time, Mr. Miller, the longtime Trump adviser, was working on similar issues at America First Legal, the nonprofit he started during the Biden administration. The group has sued New York University and Northwestern University, accusing them of discriminating against white men.

Mr. Trump turned more forcefully to combating antisemitism as a political rallying cry after Oct. 7, 2023, when Hamas militants led an attack that killed more than 1,200 people in Israel in what was the deadliest day for Jews since the Holocaust. War in Gaza followed, and so did months of protests, particularly among pro-Palestinian students on college campuses. Thousands were arrested as they occupied presidents’ offices, harassed Jewish students, erected makeshift encampments and disrupted graduation ceremonies.



A protest over the war in Gaza on the campus of the University of Southern California, one of 10 universities the task force is scrutinizing. Mark Abramson for The New York Times

From the campaign trail, Mr. Trump cast the protests in personal terms, claiming that "raging lunatics" were demonstrating on campuses to distract from immigration issues central to his campaign.

"To every college president," Mr. Trump said at a rally in Waukesha, Wis., "vanquish the radicals and take back our campuses for all of the normal students."

The Key Players

Linda McMahon, the education secretary, has largely been the public face of the Trump administration's task force to combat antisemitism. Haiyun Jiang for The New York Times

The task force to combat antisemitism was announced on Feb. 1, with the stated goal to "eradicate antisemitic harassment in schools and on college campuses." The exact metrics to measure that progress remain unclear.

The administration has declined to identify all members of the group, but its titular head is Leo Terrell, the senior counsel in the Justice Department's civil rights division. A fixture on social media and Fox News's "Hannity" show, Mr. Terrell is a Trump favorite.

The public face of the task force has largely been Linda McMahon, the education secretary. Other identified members include Josh Gruenbaum, a top official at the General Services Administration, and Sean Keveney, the acting general counsel at the health department.

Leo Terrell, an assistant attorney general for civil rights, is the head of the task force to combat antisemitism. Win McNamee/Getty Images

Sean Keveney, the acting general counsel at the health department, is also a member of the task force. Ross D. Franklin/Associated Press

Coordinated through the Justice Department's civil rights division, the task force also includes officials from the Equal Employment Opportunity Commission. The commission is investigating "dozens" of antisemitism complaints on college campuses that could become part of the task force's investigation, according to two task force members. The group also includes data specialists, civil rights lawyers and former academics in the government.

In February, task force members announced a special focus on 10 universities: Columbia; George Washington University; Harvard; Johns Hopkins University; N.Y.U.; Northwestern; the University of California, Berkeley; the University of California, Los Angeles; the University of Minnesota; and the University of Southern California.

The task force said it planned to visit each school and hold meetings with administrators, students, local law enforcement officials and community members.

By going after Columbia and Harvard early, the task force set the tone.

The goal, one senior administration official said, was to make examples of elite schools to intimidate other universities.

The White House also zeroed in on another five schools — Brown University, Cornell University, Northwestern, the University of Pennsylvania and Princeton University, according to people familiar with the process.

All have had millions in federal funding suspended, threatening projects, laboratories and jobs, and upending a multigenerational pact between the government and universities. Since around World War II, colleges have been at the heart of the American research system.



Katrina Armstrong stepped down as interim president of Columbia University after the school bowed to a list of demands. Erick Berlanga Vazquez/Columbia Daily Spectator

The amount of research funding that has been targeted at each university has varied widely, and there have been few indications of how officials are landing on specific dollar amounts.

One task force member said the figures were determined as part of the group's deliberations, which weighed the volume of grants and contracts promised to a school, the disparities in disciplinary policies, and the institution's willingness to adopt changes and progress toward those goals.

Ultimately, the group recommends to Mr. Trump whether the government should cut funding, as it did before canceling contracts with Columbia last month, according to people familiar with the process.

In that case, the task force notified the school on March 3 that it was reviewing grants. Four days later, on March 7, it cited Columbia's "continued failure to end the persistent harassment of Jewish students" and canceled $400 million in contracts and grants.

Ms. McMahon delivered the news in person that day to Katrina Armstrong, who has since left her post as Columbia's interim president. Soon after, Ms. McMahon said, leaders of schools such as Harvard and Yale scheduled meetings with her.

"They wanted to make sure we knew they were reviewing their policies," Ms. McMahon said in an interview. "The presidents that I've spoken to have been very cordial, but very sincere in their effort to make sure that they were doing everything that they needed on their campus to protect students."

A Scramble to Respond

The government made no official announcement when it paused $210 million in federal funding to Princeton. Hannah Beier for The New York Times

Some universities got wind that their institutions were under scrutiny only when stop-work orders for federally funded research trickled in. On one campus, a faculty member heard from a government program officer that a cut to research money was imminent — a warning that sent campus leaders scrambling.

J. Larry Jameson, Penn's president, said last month that the university learned "through various news outlets" that the Trump administration was suspending about $175 million for research projects. Brown's provost sent a memo about "troubling rumors" shortly before White House officials said, with little fanfare, that the administration planned to stop $510 million in funding.

After The Daily Caller, a conservative media outlet, reported that $210 million in research funding to Princeton was suspended, the university's president, Christopher L. Eisgruber, wrote in a campus email that "the full rationale for this action is not yet clear." When The New York Times asked the White House for comment, a spokeswoman replied with a link to a Daily Caller reporter's social media post and only three words: "This is accurate."



J. Larry Jameson, Penn's president, said the university learned "through various news outlets" that the Trump administration was suspending about $175 million in support to the school. Sam Deitch/BFA, via Shutterstock



Princeton's president, Christopher L. Eisgruber, told students, faculty and staff members that "the full rationale" for the suspension of $210 million in research funding to the school had not been made clear. Christopher Goodney/Bloombreg

Some school administrators have said that murkiness has complicated considerations of court challenges.

They are left feeling in the dark, one university official said.

Mr. Eisgruber wrote in The Atlantic last month that the Trump administration's moves against Columbia were creating "the greatest threat to American universities since the Red Scare of the 1950s."

"There is a pattern here of intrusions in academic freedom of strong universities that should be of concern to every American," he said in an interview on "The Daily," a podcast from The Times.

In the scramble for self-defense, some university leaders have reached out to Jewish activists to push back on what they view as the administration's overly broad definition of antisemitism.

Other schools have focused on outreach to Mr. Trump through his allies. Harvard hired as a lobbyist Brian Ballard, a former Trump campaign finance chairman whose firm once employed Susie Wiles, Mr. Trump's chief of staff, and Ms. Bondi, the attorney general. Dartmouth installed a former chief counsel at the Republican National Committee as the college's top lawyer.

But it is unclear how much these connections will help. The key staff members on the issue inside the West Wing are Mr. Miller; Vince Haley, the head of the domestic policy council; and May Mailman, senior policy strategist — all three of whom are seen as hard-line culture warriors resistant to lobbying.

Seeking Generational Change

Stephen Miller, the White House deputy chief of staff for policy, has helped shape much of the administration's domestic agenda. Eric Lee/The New York Times

In the long run, the goal of Mr. Trump and his allies is to permanently disrupt the elite world of higher education.

"We want to set them back a generation or two," Mr. Rufo said.

The conservative activist Christopher F. Rufo has championed the strategy to take on universities. Chona Kasinger for The New York Times

The administration's zeal has flummoxed even some close Trump allies concerned that the pressure campaign could set a troubling precedent for future administrations that, for example, decide to "eradicate" sexism from college

campuses or bigots from the faculty. Who gets to decide which people fall into what category and when?

Inside the White House, such worries are dismissed. That kind of thinking held back the first Trump administration, officials said. They are not concerned about what the political left might do in the future, they said, but instead are focused on setting in motion long-term change.

Michael C. Bender is a Times political correspondent covering Donald J. Trump, the Make America Great Again movement and other federal and state elections.

Alan Blinder is a national correspondent for The Times, covering education.

Jonathan Swan is a White House reporter for The Times, covering the administration of Donald J. Trump.

EXHIBIT 66

COLUMBIA | OFFICE OF THE PRESIDENT

ANNOUNCEMENTS

Sustaining Columbia's Vital Mission

April 14, 2025



Dear Members of the Columbia Community:

Over the past few weeks, days, indeed over the past few hours, you have no doubt seen and heard much about Columbia and the future of higher education. This is an extraordinary and difficult time for our University. We face unprecedented pressures, with no easy answers and many uncertainties. That combination is creating significant anxiety for our community, and we must, as we navigate this moment, stay true to our core mission as an educational and research institution, and true to our community.

I've heard deep concern about when and whether we will get our research funding back, what form an agreement with the government would take, whether we would have to compromise our values to reach such an agreement, and what we're doing to support our international students right now. Let me attempt to address each of these issues.

As we have shared before, the University has been engaged in what we continue to believe to be good faith discussions with the Federal Task Force to Combat Antisemitism. We have sought to address allegations of antisemitism, harassment, and discrimination on our campuses, and provide a path to restoring a partnership

with the federal government that supports our vital research mission, while also protecting the University's academic and operational integrity and independence.

Those discussions have not concluded, and we have not reached any agreement with the government at this point. Some of the government's requests have aligned with policies and practices that we believe are important to advancing our mission, particularly to provide a safe and inclusive campus community. I stand firmly behind the commitments we outlined on March 21, and all the work that has been done to date. Other ideas, including overly prescriptive requests about our governance, how we conduct our presidential search process, and how specifically to address viewpoint diversity issues are not subject to negotiation.

To be clear, our institution may decide at any point, on its own, to make difficult decisions that are in Columbia's best interests. Any good institution must do that. Where the government – or any stakeholder – has legitimate interest in critical issues for our healthy functioning, we will listen and respond. But we would reject heavy-handed orchestration from the government that could potentially damage our institution and undermine useful reforms that serve the best interests of our students and community. We would reject any agreement in which the government dictates what we teach, research, or who we hire. And yes, to put minds at ease, though we seek to continue constructive dialogue with the government, we would reject any agreement that would require us to relinquish our independence and autonomy as an educational institution.

Like many of you, I read with great interest the message from Harvard refusing the federal government's demands for changes to policies and practices that would strike at the very heart of that university's venerable mission. In this moment, a continued public conversation about the value and principles of higher education is enormously useful. I am especially concerned that many Americans have lost faith and trust in higher education. We should continue the hard work of understanding why. At the same time, we must more clearly explain what we here, at Columbia, know instinctively about the vital contributions we make to the world.

I want to turn to our international students, who are essential to our unique and powerful ecosystem, and who are experiencing enormous distress. We have been following with great concern the various actions being taken by the federal government toward members of our community. We know this has provoked not only anxiety, but multiple new, day-to-day challenges for our international student community. For that reason, the University launched a new University fund , supported by my office, our Board of Trustees, and generous alumni, to assist students who need help managing unanticipated expenses and other challenges right now.

This comes alongside our recently announced commitment of additional resources to our International Students and Scholars Office (ISSO) to expand their ability to help our international students, through logistical, legal, and mental health support, including a significant expansion of hours and staff resources. I'm pleased to announce a new website dedicated to these efforts.

We are navigating a turbulent time for higher education. The challenges ahead of us are formidable. Knowing Columbia as I do, and as you do, I am confident that we *will* get through this to serve our students, faculty, staff, and society for centuries to come.

Sincerely,

Claire Shipman
Acting President, Columbia University in the City of New York

---

News

EXHIBIT 67

quinn emanuel trial lawyers 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

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 68

An official website of the United States government Here's how you know

U.S. Department of Education

PRESS RELEASE

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

APRIL 14, 2025

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 | (202) 401-1576 |
Office of Communications and Outreach (OCO)

EXHIBIT 69

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com.

https://www.wsj.com/us-news/education/anti-semitism-task-force-who-247c234e

The Little-Known Bureaucrats Tearing Through American Universities

A new task force formed to combat antisemitism is using funding threats to force broader changes on campus

By Liz Essley Whyte Follow *, Douglas Belkin* Follow *and Sara Randazzo* Follow
April 14, 2025 9:00 pm ET

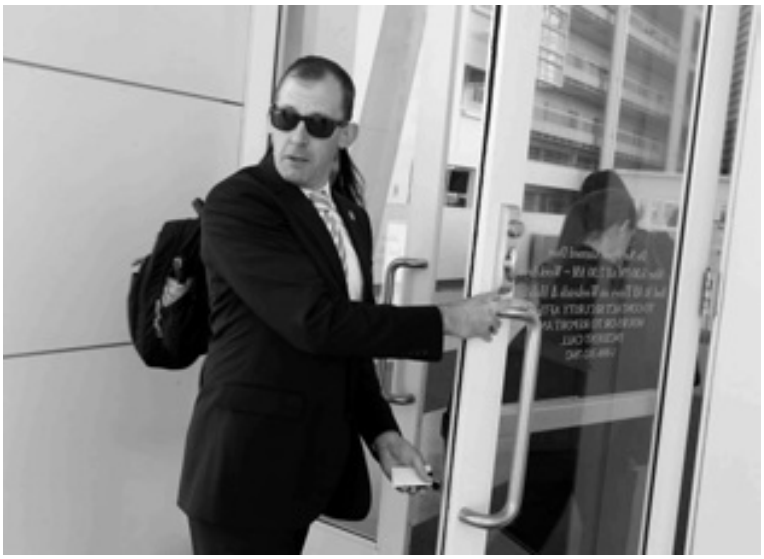
Columbia University's president had already been hounded out of office, but her ordeal wasn't over.

Four days after she stepped down under government pressure during fraught federal funding negotiations, Katrina Armstrong spent three hours being deposed by a government attorney in Washington, D.C. The lawyer grilled Armstrong over whether she had done enough to protect Jewish students against antisemitism.

As she dodged specifics under questioning, the lawyer said her answer "makes absolutely no sense" and that he was "baffled" by her leadership style.

"I'm just trying to understand how you have such a terrible memory of specific incidents of antisemitism when you're clearly an intelligent doctor," he said.

The attorney in the room during the April 1 deposition, a senior Health and Human Services official named Sean Keveney, is part of a little-known government task force that has shaken elite American universities to their core in recent weeks. It has targeted billions of dollars in federal funding at premiere institutions such as Columbia and Harvard, with cascading effects on campuses nationwide. Now it is pressing to put Columbia under a form of federal oversight known as a consent decree.



Sean Keveney, shown in 2016, is now a leader of the Trump administration's antisemitism task force.
PHOTO: RALPH FRESO/AP

Called the Task Force to Combat Anti-Semitism, the group's stated goal is to "root out antisemitic harassment in schools and on college campuses," a mission that emerged from pro-Palestinian protests that disrupted campuses last year. But along the way, the task force is taking on university culture more broadly in ways that echo the MAGA dreams for remaking higher education—including ending racial preferences in admissions and hiring.

The task-force leaders have unprecedented leverage, thanks to a financial assault on higher education by the Trump administration that has no equal since the federal government began pumping money into research at universities during World War II. The Trump administration has pulled or frozen more than $11 billion in funding from at least seven universities. The tactics and agencies have varied but the top-line intent, Trump said on the campaign trail, is to wrest control of universities from the far left.

"We are going to choke off the money to schools that aid the Marxist assault on our American heritage and on Western civilization itself," Trump said at a 2023 event. "The days of subsidizing communist indoctrination in our colleges will soon be over."

The handful of government officials driving the group aren't household names. Aside from Keveney, the acting general counsel at HHS, they include a former Fox News commentator; a onetime leader of the Justice Department civil-rights division; and a government procurement official who spent much of his career in finance.

The antisemitism task force "is motivated by one thing and one thing only: tackling antisemitism," said White House Spokesman Kush Desai. "Antisemitic protesters inflicting violence and taking

over entire college campus buildings is not only a crude display of bigotry against Jewish Americans, but entirely disruptive to the intellectual inquiry and research that federal funding of colleges is meant to support."

In the move-fast-and break-things model of the Trump administration, the task force is deploying a range of legal tools and interpreting them expansively—moves hailed as brilliant and long overdue by conservative critics of universities.

In an interview, Education Secretary Linda McMahon said it was within the bounds of the federal government to ask universities to make changes to campus policies in the name of achieving administration priorities.



Secretary of Education Linda McMahon. PHOTO: NATHAN HOWARD/REUTERS

"These universities are taking federal funds," McMahon said. "And so if you're taking federal funds, then we want to make sure that you're abiding by federal law." The administration is not, she said, trying to take away academic freedom and the right to peacefully protest or disagree.

University leaders who are dealing with the task force use words like "scary" and "unsettling." Academics say the group's blunt negotiation approach is a sharp contrast to the more collaborative style of the Education Department officials they historically have met with to discuss campus problems.

The task force's opening salvo was the cancellation of $400 million in federal funds from Columbia. When the university quickly acquiesced to the task force's demands, the group set an aggressive trajectory.

Even some members are surprised at how quickly the task force has put all higher education on alert, people familiar with the matter said. The task force's meetings buzz with excitement that what they are doing may actually change things on college campuses, one of the people said.

The task force asked Harvard to not only protect Jewish students and faculty from antisemitism but to reform the campus culture by making structural changes to governance, student admissions and faculty hiring. Those changes are aimed at improving viewpoint diversity, and ending "ideological capture," the task force wrote.

Advocates of the strategy contend there is a logical bridge between antisemitism, anti-Western ideologies and what they contend is an intolerant progressive orthodoxy on campus. Academic theories on "settler colonialism" hold that Israel is a white supremacist state created by the theft of land from Palestinians. Demonizing Zionism has fueled antisemitism on college campuses, according to the Anti-Defamation League, which has tracked reports of such behavior since 2014.

In negotiations with schools, the antisemitism task force carries a big stick. Federal funding constitutes a significant portion of the operating budget of some major research universities. Schools rely on federal contracts and grants to pay for laboratories and graduate assistants. Pell grants and federal loans help cover tuition costs for many undergraduates. Even schools with significant endowments cannot sustain prolonged periods of business as usual if the government cuts their funding.

In letters to universities, including Columbia and Harvard, the task force has cited civil-rights laws that encompass antisemitism, including Title VI and Title VII. But its tactic of targeting funding first and then beginning conversations is unprecedented, education lawyers say.

Typically, the Education Department's civil-rights arm handles such investigations—which can take months or even years—and hardly ever end with federal funds being cut. Instead, the investigations often result in voluntary settlements that some attorneys consider toothless.

"Cutting off the funding spigot is a nuclear-type weapon of enforcement," said Scott Schneider, an education lawyer in Austin. "It's outside the legal system and is a remarkable exercise of executive authority."



The campus of Harvard University, which is pushing back against demands from the administration.
PHOTO: MICHAEL CASEY/AP

The administration has also said at times that money is no longer being used for projects that align with White House "priorities," a sweeping interpretation that has opened the door to potentially canceling billions of dollars of federal funds over ideology.

The schools, meanwhile, are scrambling to understand whether they could win in court, though none have yet sued. Harvard, where the task force has placed nearly $9 billion in federal funds under review, has raised money in the bond market that it could use to free up cash flow in case it is unable to reconcile with the task force.

On Monday, Harvard pushed back on the task force, saying in a letter that the university is working to address antisemitism but won't bow to the administration's demands, which it calls unlawful.

"Neither Harvard nor any other private university can allow itself to be taken over by the federal government," Harvard's lawyers, William Burck and Robert Hur, wrote.

Hours later the task force said it was freezing $2.26 billion in multiyear grants and contracts.

'Bankrupt these universities'

The task force wielding this power pulls in representatives from across the federal government, including the General Services Administration and departments of Justice, Education and HHS.

Leo Terrell, a Justice Department political appointee and former Fox News commentator, was announced as the head of the task force when it was created in February. The longtime civil-rights

lawyer and friend of O.J. Simpson, who switched political affiliations from Democrat to Republican in 2020, said on Fox News last month that, "We're going to bankrupt these universities" if they do not "play ball."



Leo Terrell, center, a longtime civil-rights lawyer, was named to head the task force. PHOTO: SHAWN THEW/EPA/BLOOMBERG NEWS

Driving much of the day-to-day business of the task force are Keveney of HHS; Tom Wheeler, the Education Department's acting general counsel; and Josh Gruenbaum, a commissioner in the General Services Administration.

The task force meets in person roughly every other week in HHS, Education Department or Justice Department buildings, said a person familiar with the task force's work. The three day-to-day leaders always attend, plus at least one high-ranking official from Justice, and a rotating cast of civil-rights attorneys from the agencies. Between meetings, task-force members keep in touch via email.

Wheeler headed the Justice Department's civil-rights division in 2017 during a time when Jewish community centers were receiving bomb threats. He later helped develop guidelines to reopen schools during the pandemic. He spent the bulk of his career in private practice in Indiana and also worked as counsel to former vice president Mike Pence during his time as Indiana's governor.

Gruenbaum was working in private equity before he joined the Trump administration to run the Federal Acquisition Service, a part of GSA that handles procurement for the federal government. He told Jewish Insider in March that he reached out to offer his agency's services to the task force once he heard it was being created. Being raised Orthodox Jewish as the grandson of a Holocaust survivor helped shape his worldview, he told the publication.

Keveney is a career government lawyer who has worked for HHS and the Justice Department since 2003. He was at Justice Department during the first Trump administration and worked on the Harvard affirmative action case decided by the Supreme Court in 2023.

The task force has no master list of schools to go after. Instead, the group tackles what seem to be the largest and most immediate problems, a person familiar with its work said. In its meetings, task force officials discuss strategies, legal tools, and news from student and alumni groups and university trustees that its members are connected to.

The task force has discussed broadly among its members, and with the State Department, potential student ties to terrorist organizations and how pro-Palestinian groups on campuses are funded, people familiar with the matter said. The task force isn't working with Immigration and Customs Enforcement, one of the people said.

Task-force members generally agree many universities have responded abysmally to the Oct. 7, 2023, Hamas attacks on Israel, and while their work is focused on antisemitism, they also agree that DEI and affirmative-action in admissions violate federal civil rights law.

The White House has, on its own without coordinating with the task force, been taking some actions against universities, including freezing funds to Cornell.

The task force appears, at least at times, to be making decisions independent of cabinet-level Trump appointees. McMahon, the education secretary, said she had a meeting in March set with Columbia's Armstrong to discuss antisemitism, not realizing that it was the same day that $400 million in funding cancellations would be announced. "I found out just before I went in," she said. McMahon said she had known the action against Columbia was a possibility and that she delivered the news.

The task force named 10 schools in February that would be its initial focus for campus visits. The list includes universities that have had funding threatened so far, like Columbia, Harvard and Northwestern, as well as UCLA, the University of Minnesota and New York University. The group also said it would visit city officials in Los Angeles, Boston, New York and Chicago.

Separately, at least 60 colleges and universities are under investigation by the Education Department's Office for Civil Rights for their alleged inaction in protecting Jewish students and staff.

'Dismembering the prince'

The Trump administration's disdain for many elite institutions extends beyond the Israel-Hamas protests to the view that universities suppress conservative ideas and marginalize people who hold them. At a 2021 speech to the National Conservatism Conference, now-Vice President JD Vance, who at the time wasn't in public office, said: "I think if any of us want to do the things that we want to do for our country and for the people who live in it, we have to honestly and aggressively attack the universities in this country."

Meanwhile, the public mood toward elite universities with large endowments—Harvard's is north of $50 billion—is sour. In a Wall Street Journal poll that surveyed 1,500 registered voters by phone from March 27 through April 1, 48% favored withholding funds from universities for failing to protect Jewish students from antisemitism.

Conservative activist Christopher Rufo, who helped craft the Trump administration blueprint to cut waste in government and attack DEI in universities, said the public's anger with higher education has made the sector a prime target to attack.



Christopher Rufo helped craft a Trump administration effort to combat campus DEI policies. PHOTO: TINA RUSSELL FOR WSJ

Rufo espouses making an example of a school and cutting its federal funding altogether—because it would prompt other schools to fall in line.

"Machiavelli has a great line, where he talks about the salutary effects of a kind of spectacular public punishment," Rufo said. "In his case, it was like dismembering the prince, but in this case, it's, metaphorically, putting the screws on one of these universities in a spectacular way, and then watching them implode."

Michael Poliakoff, president of the American Council of Trustees and Alumni, which works to ensure effective governance of colleges and universities, agrees with the need and direction of the task force but warned that whatever leverage it brings to bear could be used by future administrations.

"One has to anticipate what's going to be coming down two or three moves into the future," Poliakoff said. "And so I approach this with caution."

Beyond civil-rights laws, the task force is also wielding the club of federal contracts. Kenneth L. Marcus, a former head of the Education Department's Office for Civil Rights who now runs the Brandeis Center, which fights against antisemitism, called the involvement of the General Services Administration in the task force's work a "brilliant stroke."

Few people think about the agency as a lever of the federal government, Marcus said, but the power to pull back contracts "brings to bear immense new potentials for influencing compliance with federal civil rights laws."

Write to Liz Essley Whyte at liz.whyte@wsj.com, Douglas Belkin at Doug.Belkin@wsj.com and Sara Randazzo at sara.randazzo@wsj.com

Appeared in the April 16, 2025, print edition as 'Little-Known Group Tears Through Universities'.

EXHIBIT 70

Trump Has Targeted These Universities. Why?

President Trump has set his sights on defunding colleges, singling out some of the world's wealthiest schools in what critics say is an attack on academic freedom.



By Alan Blinder

April 15, 2025

The Trump administration is seeking to exert extraordinary influence over American universities by withholding the kind of federal financial support that has flowed to campuses for decades.

President Trump and his allies contend that some schools, especially a handful of elite universities, have become bastions of antisemitism and ideological indoctrination. Though the higher education industry has acknowledged shortcomings and failures, especially since the Hamas attack on Israel in October 2023, it has warned that reducing schools' federal funding could backfire on American society as a whole.

University leaders fear that by threatening to withhold funding, or suspending it with little or no warning, the government is trying to stamp out academic freedom, a cornerstone of the American education system.

The Trump administration has given broad reasons for the cuts, often involving claims that the schools tolerate antisemitism. But the choice of schools it has targeted and even some of its demands have sometimes confused educators and experts. Northwestern University, for example, recently released a lists of steps it

had taken to combat antisemitism that closely tracked with a list of demands the Trump administration had given to Columbia University. Northwestern was targeted several days later, nonetheless.

The issue is revealing the dollars-and-cents consequences of the tensions between campus leaders and the Trump administration. But the outcome of the underlying debate — over the very purpose of higher education — could shape the country for years to come.

Which schools have been targeted?

So far, seven universities have been singled out for punitive funding cuts or have been explicitly notified that their funding is in serious jeopardy. They are:

- Harvard University, which has approximately $9 billion at stake. The government has already canceled more than $2.2 billion in retaliation after Harvard publicly rebuffed the Trump administration's demands.
- Brown University, which the Trump administration said stood to lose $510 million.
- Columbia, which is hoping to regain about $400 million in canceled grants and contracts after it bowed to a list of demands from the federal government.
- Cornell University, the target of a cut of at least $1 billion.
- Northwestern, which Trump administration officials said would be stripped of $790 million.
- The University of Pennsylvania, which saw $175 million in federal funding suspended in response to its approach to a transgender athlete's sports participation in 2022.
- Princeton University, which said "dozens" of grants had been suspended. The White House indicated that $210 million was at risk.

Officials at some of the universities have been puzzled by the cuts, which they have sometimes learned about through social media, and insisted that they had taken action to combat antisemitism.

Dozens of other schools are under also scrutiny, largely by the Department of Education's Office for Civil Rights, and are aware that some of their federal funding is imperiled. But much of the focus is on 10 schools that have been identified for particular attention by a Trump administration task force that says it is devoted to rooting out antisemitism: Columbia; George Washington University; Harvard; Johns Hopkins University; New York University; Northwestern; the University of California, Berkeley; the University of California, Los Angeles; the University of Minnesota; and the University of Southern California.

Critics of the administration have not hesitated to point out that all of these schools are in states, or, in George Washington's case, a federal district, that voted for the Democratic ticket in 2024.

Why are the schools being criticized?

The administration has frequently claimed that the targeted schools harbor antisemitism. When a protest movement against Israel's war in Gaza swept college campuses around the country in 2024, for example, some of the most volatile scenes unfolded at Columbia.

But the administration's hostility toward major colleges and universities has deeper roots than the turmoil tied to that war alone. Conservatives have looked askance at the elite echelons of higher education for decades, disturbed by affirmative action admissions programs, high tuition costs, the views of liberal professors and the proliferation of diversity, equity and inclusion initiatives on campuses.

Many conservatives say their views have been marginalized in lecture halls, and regard top schools as incubators of so-called wokeness. They have said they want universities to emphasize academic programs that will lead students to the kind of

jobs that are essential to the economy.

A list of Trump administration demands made at Harvard appeared to touch on a variety of conservative complaints with academia, including a lack of diverse political viewpoints among faculty members and a disdain for diversity, equity and inclusion programs.

How much money is at stake?

So far, the government has pulled, or threatened to pull, more than $12 billion. Most of that money is tied to Harvard and its affiliates, like its hospitals.

Universities have said little about which specific programs were in jeopardy. But Penn, for example, said that researchers in at least seven of its schools were affected.

“These contracts include research on preventing hospital-acquired infections, drug screening against deadly viruses, quantum computing, protections against chemical warfare, and student loan programs,” J. Larry Jameson, Penn’s president, said in an open letter.

How have schools responded?

Beyond statements of frustration and concern, they have generally not done much publicly.

But there are two enormous exceptions. In March, Columbia agreed to comply with demands from the administration so it could enter negotiations over the future of the $400 million the government had struck. Some of the most important concessions included agreeing to place the university’s Middle Eastern, South Asian and African Studies Department under new oversight; strengthening its campus security force; and toughening its disciplinary and protest policies.

Columbia’s capitulation alarmed higher-education leaders across the country.

On April 14, Harvard tried a different strategy. It rejected proposals from the federal government, including one for the use of an outsider "to audit those programs and departments that most fuel antisemitic harassment or reflect ideological capture." The government also wanted Harvard to curb the power of its faculty and report international students who committed conduct violations.

Harvard refused, and its president, Alan M. Garber, said that the university "will not surrender its independence or relinquish its constitutional rights."

To many veterans of academia, Harvard's choice marked a potential turning point.

Lee C. Bollinger, a former Columbia president, said Harvard's resistance was "precisely what has been needed." The university's pushback, he said, amounted to "a major institution willing to defend the fundamental values at stake, not only with universities but also with other institutions and organizations vital to American democracy."

These schools are rich. Why is the government funding them in the first place?

Since around the time of World War II, the U.S. government has leaned on academic institutions to conduct research projects whose findings will trickle into the public and private sectors. Federally funded research has almost always had bipartisan support, though there have been occasional complaints (and sometimes outright mockery) surrounding particular projects.

In their scramble to counter the Trump administration's recent moves, universities have tried to tell elected officials and the public that they make important contributions to the country's health and prosperity. They have also sought to frame university-based research as imperative to the nation's future, especially amid China's rise.

Can't schools just tap their endowments?

Many big schools do indeed have substantial endowments. Every endowment is different, though, and university leaders note that many donors put restrictions on how their money may be used. Republicans, including Vice President JD Vance, have openly discussed raising the excise tax on the largest endowments.

Harvard has an endowment worth about $53 billion, far more than any other American university. Even so, a few days after the Trump administration announced a review of Harvard's federal funding, the university announced a plan to issue $750 million in bonds. Proceeds would give the school, which has been engaged in contingency planning, some financial breathing room.

Alan Blinder is a national correspondent for The Times, covering education.

A version of this article appears in print on , Section A, Page 17 of the New York edition with the headline: Reasons for Singling Out Universities for Defunding Run Deep

EXHIBIT 71

OFFICE OF THE PROVOST

Miguel S. Urquiola

Miguel Urquiola was appointed Senior Vice Provost for Academic Initiatives on April 15, 2025.

In this role, Professor Urquiola will focus on promoting cross-school academic excellence, starting with a comprehensive review of Regional Studies programs. This work will begin with a faculty committee review of Middle East programs. He continues in his roles as Professor of Economics and Dean of Social Science for the Faculty of Arts & Sciences.

Professor Urquiola has been a member of the Columbia community since 2003. He has chaired Columbia's Department of Economics and its Committee on the Economics of Education. He is also a member of the School of International and Public Affairs (SIPA), where he was Vice Dean of Faculty Affairs.

Outside Columbia, Professor Urquiola is a Research Associate at the National Bureau of Economic Research (NBER) and has held appointments at Cornell University, the World Bank, and the Bolivian Catholic University.

Professor Urquiola's research is on the Economics of Education. Its focus is on understanding how schools and universities compete, and how educational markets differ from other markets economists study. He has written numerous journal articles on these issues, and a book on why American universities excel at research: *Markets, Minds, and Money*.



Senior Vice Provost for Academic Initiatives; Dean of Social Sciences in the Faculty of Arts & Sciences; Professor of Economics and of International and Public Affairs

Contact Info

1018 International Affairs, MC 3308

+1 212 854 3769

miguel.urquiola@columbia.edu

EXHIBIT 72

The Intercept_ SUPPORT US

INSIDE COLUMBIA'S BETRAYAL OF ITS MIDDLE EASTERN STUDIES DEPARTMENT

Columbia reassured its Middle Eastern studies scholars behind the scenes — then, to appease Trump, threw them to the wolves.

Meghnad Bose, Sacha Biazzo

April 16 2025, 12:30 p.m.



Students chain themselves to the fence of Columbia University in New York City on April 2, 2025. Photo: Mostafa Bassim/Anadolu via Getty

STUDENTS AT COLUMBIA University's Middle Eastern studies department were suffering from whiplash. Over two days in March, they

went from being reassured by Middle Eastern studies faculty that the university was supporting their embattled department to, just a day later, being hit with news that Columbia had cut a deal with the Trump administration.

At stake was some $400 million in federal funding from the school that had been suspended by the White House. The Middle Eastern, South Asian, and African Studies Department — or MESAAS as it is formally known — was at the center of the storm.

Pushing back on the White House's demands proved too tall an order at Columbia. The university administration made an announcement on March 21 that laid out a raft of policy changes. Among them was a plan to appoint a new senior vice provost whose work would include "a thorough review of the portfolio of programs in regional areas across the University, starting immediately with the Middle East," the announcement said.

MESAAS scholars immediately saw the school had cut a deal that put them in the crosshairs.

Now, for the first time, several insiders at MESAAS are speaking up about the turmoil facing their department, the back-and-forth between the Trump administration and university leadership, and how they are the ones caught in the lurch.

"It's saying one thing to the federal government and saying another thing to faculty and students."

"The university is being quite opaque in its language and its messaging, and it's saying one thing to the federal government and saying another thing to faculty and students," said Craig Birckhead-Morton, a 22-year-

old graduate student at MESAAS. “Obviously, it’s been very frustrating for us, this duplicitous behavior of the university.”

“I’ve spoken with several of my classmates who are also afraid of either their ability to research the things that they’re researching being restricted, or them conducting that research and coming under attack for it,” he said. “This is very scary.”

Short-Lived Reassurance

The rollercoaster ride had begun only last month. On March 7, the White House put the university on notice: The Trump administration announced that it was canceling some $400 million in federal funding to Columbia.

In negotiations over the funding, the White House made a series of demands on March 13, including that the Middle Eastern studies department be placed under academic receivership for a minimum of five years — taking control of the department out of its own faculty’s hands. A Wall Street Journal article published on March 19 said Columbia was about to cave to Donald Trump’s demands, with a deadline approaching the following day.



Related

Columbia Bent Over Backward to Appease Right-Wing, Pro-Israel Attacks — And Trump Still Cut Federal Funding

Then, on the day of the deadline, came an email from Gil Hochberg, the chair of MESAAS. Hochberg and three other senior faculty from the department had met with two high-level senior deans from the

university. They had come away from the hourlong Zoom discussion feeling relatively optimistic about maintaining "academic self-governing" at MESAAS.

"While many questions remain open, the four of us who attended today's meeting, feel significantly more reassured that our department is being supported by the university as much as possible under the circumstances," said the email, which was reviewed by The Intercept.

"We were told that it is very unlikely that we will hear anything determined this weekend," Hochberg wrote. "The situation is complex and will take time — more time than we would like. March 20 was one deadline, but not a legally binding one."

Defying Hochberg's expectations, word from the Columbia administration came down quickly.

The very next day, on March 21, Columbia University made a sweeping list of announcements, chief among them that the university was going to appoint a new senior vice provost that same week, whose work would include reviewing programs that touch on the Middle East, ensuring "balanced" curricula, and processes by which curricular changes are made. (Neither Hochberg nor Columbia responded to requests for comment.)

Since Columbia's announcement, uncertainty has reigned. The new vice provost was set to be appointed in the week of March 21. Only after three weeks, on April 15, did the university appoint Miguel Urquiola, a dean of social science at Columbia, as the new vice provost. Urquiola's academic background is in economics, but his first major task as senior vice provost is to conduct a "thorough review" of Middle Eastern studies.

"Honestly, I don't understand what this means," said a MESAAS student, a Ph.D. candidate who asked that their name not be used due to concerns over their visa status. "It doesn't make any sense. What does it mean for them to claim that they'll be able to see how something is 'balanced'? They're not the people who are experts in these fields."

MOST READ



Palestinian Student Leader Was Called In for Citizenship Interview — Then Arrested by ICE

Akela Lacy



Pete Hegseth Is Gutting Pentagon Programs to Reduce Civilian Casualties

Nick Turse

Newsletter

The Intercept

Inside MESAAS, scholars have viewed the developments of recent weeks as Columbia caving to the Trump administration's demands. They fear control of the department is being wrested away from faculty — and, to make matters worse, little clarity has been available to students on how to navigate the changes since Columbia's announcement in late March.

"There is no information that has been given since, so I'm just waiting," said a Palestinian student at Columbia who asked for anonymity because of the crackdown on dissent at the school. "There's just a general confusion."

The Ph.D. candidate laid blame for the chaos on the university administration, not the department faculty.

"The faculty have also not been kept in the loop with a lot of these updates of what's going on," they said. "We do feel supported by our faculty, but we are isolated by the university administration."



Photo: Meghnad Bose

Chaos on the Inside

For students at the Middle Eastern studies department, the university's apparent capitulation was particularly galling because it felt like an indictment of the department with no substantive critiques.

"The MESAAS department is not being attacked right now because of a lack of rigor in its coursework or a deficiency in the quality of the research that's being produced," said Birckhead-Morton, the graduate student. "The MESAAS department is one of the greatest Middle Eastern Studies departments in the country."

Other students, too, had come to Columbia looking to study at the highly regarded department.

“I came to Columbia specifically looking at MESAAS being home to some of the best scholars on Palestine,” said the Palestinian student. “Being able to work with them just really inspired me to apply to Columbia — it was my top choice.”

The internal MESAAS email and subsequent university announcement had come during spring break at Columbia. With classes set to resume on March 24, the Palestinian student felt dread over returning to campus.

“I was considering fully dropping out,” they said.

“In the past few weeks, I’ve just been very disillusioned by it all,” they said. “I would like my department to show a little ounce of courage.”

Wresting Control From MESAAS

For professors at Columbia, the move against faculty control at MESAAS reflects a larger attack by the Trump administration on academic freedom in the name of ideological conformity.

“The federal government doesn’t get to tell ice cream shops what flavors to serve in what kind of cone, and they don’t get to tell universities what subjects to teach or how to teach them,” said Joseph Howley, an associate professor of classics at Columbia. “From the outside, the fact that MESAAS was targeted without justification or explanation suggests to me that this attack is being driven not by a concern for academic excellence or anyone’s safety, but by an extremist ideological agenda

that has employed the federal government to remake the university for its own ends."



Related

Nobel Winner Joseph Stiglitz Denounces Columbia's Apparent Capitulation to Trump

Among the university's announcements on March 21 was a policy change stating that Columbia would be appointing "new faculty members with joint positions in both the Institute for Israel and Jewish Studies and the departments of Economics, Political Science, and School for International and Public Affairs."

These appointments, according to Columbia, would be "reinforcing the University's commitment to excellence and fairness in Middle East studies."

Work on the Israeli–Palestinian conflict was the obvious target of the changes, Birckhead-Morton said, but other areas of study could come under the same scrutiny.

"Any coursework related to Palestine will certainly be the first to be removed or restricted or modified under this new regime that's being imposed on us — that's the biggest worry," he said. "But there are other courses that are on settler colonialism, for example, that aren't specific to Palestine, but could come under attack based on the statements of the university."

For his part, Mahmoud Khalil, a Palestinian graduate of Columbia, denounced the attacks on the department in an op-ed from immigration detention in Louisiana, where he is being held after having his green card revoked for his activism at the university against Israel's war on

Gaza. In his op-ed, Khalil referred to the pressures on MESAAS as "McCarthyist and racist interventions at the Middle Eastern, South Asian, and African studies department."



Read Our Complete Coverage

Israel's War on Gaza

While no active MESAAS professors responded to requests for comment, retired professors have been more forthcoming about recent developments at the department.

Rashid Khalidi, a former Arab studies professor at MESAAS, recently wrote, "It was never about eliminating antisemitism. It was always about silencing Palestine. That is what the gagging of protesting students, and now the gagging of faculty, was always meant to lead to." And Sheldon Pollock, a former chair of the MESAAS department, likened the government's demands of Columbia to "a ransom note": "Like a mob boss, the government threatens to cut off two of the university's fingers: academic freedom and faculty governance."

Professors at other departments also spoke out against the announced changes.

"Many people in the educational establishment were telling Columbia that it should resist these demands by the Trump administration, and it should stand up and take a stand forcefully," said Michael Thaddeus, a professor of mathematics at Columbia and vice president of the university's chapter of the American Association of University

Professors, which sued the Trump administration over the revoked funding.

Thaddeus said the university's decision not to pursue its own legal action against the Trump administration was "extremely disappointing."

Conference Disrupted

Each year, students at MESAAS get a chance to present their research at the department's graduate conference. This year, the conference — on the theme of uprisings in the Middle East, South Asia, and Africa — was scheduled to take place at the university, in person, on April 10 and 11.

On April 1, though, an email went out to some participants announcing changes in the programming.

"In light of recent events at Columbia University, New York City, and the United States at large, we are writing to you about some last-minute measures we are taking in order to protect the safety of our conference participants," said the email, a copy of which was reviewed by The Intercept. "The conference, including the keynote address, will now happen only on Zoom."

The email went on to say that, despite the lack of an in-person forum, there would still be additional security measures. "We will be vetting all audience members, and request you to reply to this email with a list of people (friends, family, colleagues) with whom you want to share access to the conference," the email said.

"We haven't been directed to do this," said the MESAAS Ph.D. candidate. "It's really for our protection and for the protection of everyone speaking that these steps are being taken, to make sure that we can still

continue to have these conversations without becoming targets ourselves."

"It is kind of an effort to keep the conference going despite all the odds that we are facing right now," they said. "There is some concern that we will be constrained even further if we are in person."

"It's more like an underground secret meeting than a public rally."

The Ph.D. candidate, however, added that the fact that the department had to change the program is a sign of the pressures on academic freedoms at Columbia and, in particular, MESAAS.

Another MESAAS student, who was slated to present at the conference and asked for anonymity because they are an international student, noted that the climate on campus meant that the events were not as widely promoted as usual.

"I am still happy that my work will be seen by people, but am sad and a little disappointed that it will be a smaller audience," the student said. "It's more like an underground secret meeting than a public rally."

The Wider Struggle

When it comes to pressures on Middle Eastern studies departments, Columbia is far from alone. Despite recently rejecting the Trump administration's demands, Harvard University in March dismissed the faculty leaders of their Center for Middle Eastern Studies, or CMES. Nonetheless, five days later, the Trump administration announced that

it would be reviewing close to $9 billion in federal funding and multiyear grant commitments to the school.

"What happened at CMES at Harvard is shocking and egregious," said Birckhead-Morton, the MESAAS graduate student. "So, they've come for Columbia, they've come for Harvard, we don't want this to happen to other universities. We have to defend Middle Eastern studies across the board."

Birckhead-Morton, who is Black and Muslim American, said the crackdown on Columbia's academic functioning is part of a broader trend to attack scholarship seen as a threat to the powers that be.

"This is a continuation of the attack on critical race theory and ethnic studies," he said. "It's not just a Palestine issue or an Arab issue or a Middle East issue. These struggles and these histories are connected, and this crackdown is really going to affect us all."

"This is an attack on scholarship, dissent, and critical thinking."

RELATED



Palestinian Student Leader Was Called In for Citizenship Interview — Then Arrested by ICE



Mahmoud Khalil and the Necropolitics of Trump's Deportation Regime



Trump Appears to Be Targeting Muslim and "Non-White" Students for Deportation

EXHIBIT 73



TRUTH.

Truth Details

3183 replies

Trending



Donald J. Trump
@realDonaldTrump

Everyone knows that Harvard has “lost its way.” They hired, from New York (Bill D) and Chicago (Lori L), at ridiculously high salaries/fees, two of the WORST and MOST INCOMPETENT mayors in the history of our Country, to “teach” municipal management and government. These two Radical Left fools left behind two cities that will take years to recover from their incompetence and evil. 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.” Look just to the recent past at their plagiarizing President, who so greatly embarrassed Harvard before the United States States Congress. When it got so bad that they just couldn’t take it anymore, they moved this grossly inept woman into another position, teaching, rather than firing her ON THE SPOT. Since then much else has been found out about her, but she remains in place. Many others, like these Leftist dopes, are teaching at Harvard, and because of that, Harvard can no longer be considered even a decent place of learning, and should not be considered on any list of the World’s Great Universities or Colleges. Harvard is a JOKE, teaches Hate and Stupidity, and should no longer receive Federal Funds. Thank you for your attention to this matter!

7.82k ReTruths **32.7k** Likes Apr 16, 2025, 7:05 AM



God & Country
@GodandCountryy · 6h

Replying to @realDonaldTrump

EXHIBIT 74

BREAKING NEWS

NIH said to have halted awarding of new grants to more top universities

Internal email instructs agency staff not to communicate with institutions about the decision



Low Library at Columbia University, one of the schools that is not to be awarded any new NIH grants, according to an agency email. Adobe

By Anil Oza and Megan Molteni April 18, 2025

Embattled universities whose funding from the National Institutes of Health has been frozen may face further financial strain as the agency holds off awarding new grants to at least half a dozen of them, according to an email obtained by STAT.

The decision could mark the next stage of the Trump administration's attempts to apply pressure to a suite of elite colleges and universities by withholding research dollars. The email also instructs NIH staff to not communicate with the universities about whether or why funds are frozen.

Some grants that had previously been awarded to these universities had already been paused. But the new email suggests the NIH will hold off on awarding new grants as well.

The message — sent Thursday by Michelle Bulls, director of the Office of Policy for Extramural Research Administration — instructed staff not to make any awards to schools that have had funds frozen by the Trump administration. According to the email, the order originated in the office of the Secretary of Health and Human Services, Robert F. Kennedy Jr.

Asked about the directive, HHS Deputy Press Secretary Emily G. Hilliard told STAT in an email: "HHS does not comment on active investigations or the grant process to protect its integrity."

The schools named in the email were Columbia, Harvard, Brown, Northwestern, Cornell, and its affiliated medical school, Cornell-Weill Medicine. But others may be impacted by the move as well. In recent weeks, the Trump administration has been escalating its clash with colleges and universities, using the threat of withholding federal funds to try to enact sweeping changes to how institutions of higher education hire faculty, admit students, and what they teach in classrooms.

In early March, the NIH slashed about $250 million in grants to Columbia after the Trump administration alleged the school had failed to crack down on antisemitism. The cuts shuttered large research programs into maternal mortality rates and chronic fatigue syndromes. Last week, the NIH, at the behest of HHS, froze all remaining grant money owed to the university, according to internal emails obtained by Science.

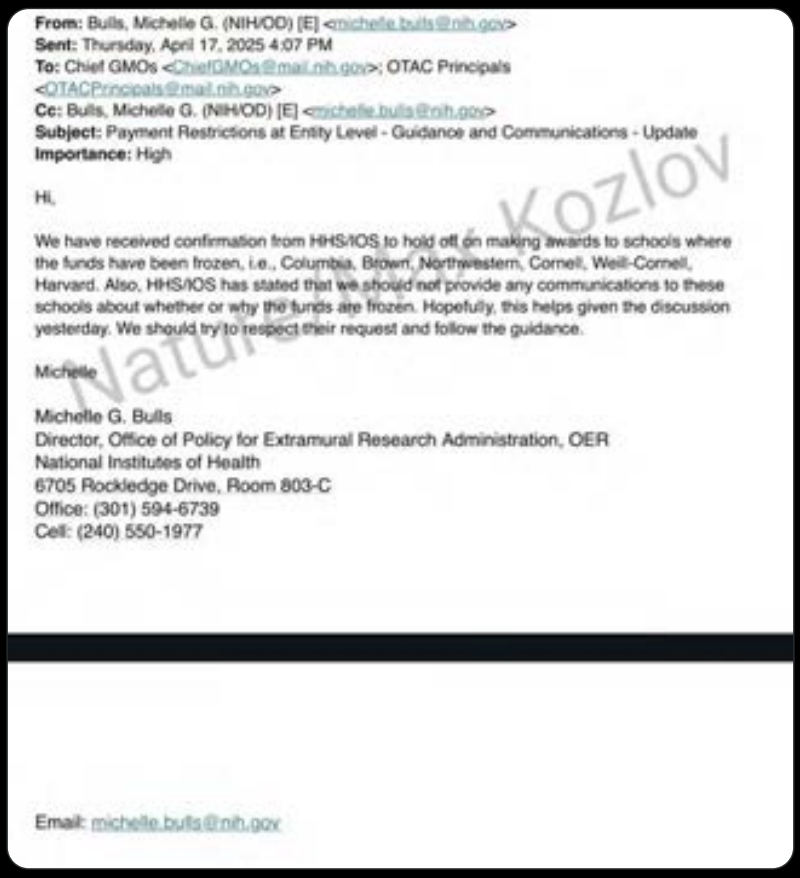
EXHIBIT 75

← Post

Max Kozlov 🇺🇦
@maxdkozlov

I've received additional confirmation, as well as an email I can share publicly.

See the directive NIH grants management staff received from Michelle Bulls, director of extramural policy at NIH



From: Bulls, Michelle G. (NIH/OD) [E] <michelle.bulls@nih.gov>
Sent: Thursday, April 17, 2025 4:07 PM
To: Chief GMOs <ChiefGMOs@mail.nih.gov>; OTAC Principals <OTACPrincipals@mail.nih.gov>
Cc: Bulls, Michelle G. (NIH/OD) [E] <michelle.bulls@nih.gov>
Subject: Payment Restrictions at Entity Level - Guidance and Communications - Update
Importance: High

Hi,

We have 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. Also, HHS/IOS has stated that we should not provide any communications to these schools about whether or why the funds are frozen. Hopefully, this helps given the discussion yesterday. We should try to respect their request and follow the guidance.

Michelle

Michelle G. Bulls
Director, Office of Policy for Extramural Research Administration, OER
National Institutes of Health
6705 Rockledge Drive, Room 803-C
Office: (301) 594-6739
Cell: (240) 550-1977

Email: michelle.bulls@nih.gov

Nature Max Kozlov

3:24 PM · Apr 18, 2025 · **67.3K** Views

9 102 332 26

Read 9 replies

Don't miss what's happening
People on X are the first to know.
Log in Sign up

EXHIBIT 76

DAILY BEAST

SUBSCRIBE

TRUMPLAND

Trump Takes Personal Revenge on Harvard's Lawyer for Standing Up to Him

YOU'RE FIRED!

Tension between the current administration and the university continues to escalate.



Nandika Chatterjee
Breaking News Intern

Updated Apr. 24 2025 7:30PM EDT
Published Apr. 24 2025 2:19PM EDT



Chip Somodevilla/Getty Images

Sign Up to Receive Breaking News Alerts

Stay up-to-date on all the biggest stories you need to know.

Enter your email SIGN UP

By clicking "Sign Up" you agree to Terms of Use and Privacy Policy.

President Donald Trump has ripped into Harvard University, accusing the Ivy League college of being a "threat to democracy" following the school president's refusal to comply with his demands.

Harvard President Vows No 'Compromise' With Trump

ALL OR NOTHING

Nandika Chatterjee



HOMEPAGE

"Harvard is an Anti-Semitic, Far Left Institution, as are numerous others, with students being accepted from all over the World that want to rip our Country apart," the president posted.

Top Stories

READ MORE

00:00 00:00

The Truth Social post references Harvard's ongoing legal dispute with the administration, which it is suing after it was stripped of $2.2 billion in federal funding earlier this week.

Trump went on to say that Harvard had hired a lawyer who is also affiliated with the Trump Organization.

"Harvard is a threat to Democracy, with a lawyer, who represents me, who should therefore be forced to resign, immediately, or be fired. He's not that good, anyway, and I hope that my very big and beautiful company, now run by my sons, gets rid of him ASAP!" Trump said.



Donald Trump's Truth Social Post
Truth Social

CNN's Kaitlin Collins confirmed that the Trump Organization has ended its relationship with prominent conservative attorney Bill Burck.

Eric Trump confirmed to *CNN* that Burck will no longer serve as an outside adviser, stating, "I view it as a conflict and I will be moving in a different direction."

Burck, who is a former Special Counsel and Deputy Counsel to former President George W. Bush in Washington, D.C., and a former federal prosecutor in New York City, is not a newcomer to Trump's orbit. He was also appointed to the Fox Corporation Board of Directors in June 2021.

A seasoned Washington attorney and former federal prosecutor, he previously represented several senior Trump administration officials during the special counsel investigation into Russian interference in the 2016 election.

His ties to Trump deepened in the lead-up to the president's second inauguration, when the Trump Organization brought Burck on board to help navigate potential business ventures and ethical concerns.

At the time, the company praised Burck as one of the "nation's finest and most respected lawyers," highlighting his role in advising the firm on avoiding conflicts of interest, particularly with foreign entities.

Trump's decision to cut ties with Burck—announced in a social media post—highlights his willingness to turn against longtime allies over what he perceives as disloyalty.

If anything, perhaps because Burck did not seek Trump's company's blessings before agreeing to represent Harvard.

Harvard Turns to Billionaire Donors in Its War Against Trump

GRASPING AT STRAWS

Nandika Chatterjee



HOMEPAGE

Trump's public denouncement of the school was perhaps sparked by Garber's *NBC News* interview Wednesday evening, when Garber declared he "will not compromise on certain issues."

"We are defending what I believe is one of the most important lynchpins of the American economy and way of life—our universities," Garber said.

Harvard President Vows No 'Compromise' With …

"There is so much at stake," Alan Garber told NBC News' Lester Holt.

The Trump administration demanded Harvard change its hiring and admissions practices and eliminate its diversity, equity, and inclusion programs. The university says it won't comply.

The U.S. president also came after Harvard's tax-exempt status, while his Department of Homeland Security (DHS) threatened to eliminate its control over enrolling international students.

"The place is a Liberal mess, allowing a certain group of crazed lunatics to enter and exit the classroom and spew fake ANGER AND HATE. It is truly horrific! Now, since our filings began, they act like they are all 'American Apple Pie,'" Trump's post continued.

Can't get enough of the Beast?

Unlock unrestricted access to our reporting with a paid subscription.

Subscribe Now

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2025, I electronically filed the foregoing Joint Appendix with the Clerk of Court for the United States Court of Appeals for the Second Circuit using the ACMS system, which will send notice of such filing to all counsel of record in compliance with Local Rule 25.1(h)(2).

Dated: September 22, 2025

By: s/ Rachel Goodman

Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
rachel.goodman@protectdemocracy.org

Counsel for Plaintiffs-Appellants

No. 25-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, ET AL.,
Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.
Defendants-Appellees.

On Appeal from the United States District Court for the
Southern District of New York
Case No. 1:25-cv-02429-MKV (Hon. Mary Kay Vyskocil)

JOINT APPENDIX (JA769 – JA878)
VOLUME 6 OF 8

Orion Danjuma
Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
orion.danjuma@protectdemocracy.org
rachel.goodman@protectdemocracy.org

Eve H. Cervantez
Matthew J. Murray
Connie K. Chan
Juhyung Harold Lee
Jonathan Rosenthal
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Tel: (415) 421-7151
Fax: (415) 362-8064
ecervantez@altber.com
mmurray@altber.com
cchan@altber.com
hlee@altber.com
jrosenthal@altber.com

Additional counsel for Plaintiffs-Appellants:

Katie Schwartzmann
Protect Democracy Project
201 St. Charles Avenue, Ste. 114
New Orleans, LA 70170
Tel: (202) 579-4582
Fax: (202) 769-3176
katie.schwartzmann@protectdemocracy.org

Richard Primus
The University of Michigan Law School
(institutional affiliation provided for identification purposes only; not representing the University)
625 S. State Street
Ann Arbor, MI 48109
Tel: (734) 647-5543
Fax: (734) 764-8309
PrimusLaw1859@gmail.com

JOINT APPENDIX
TABLE OF CONTENTS

Tab. No.	Docket No.	Date Filed	Description	Page No.
Volume 1				
1			District Court Docket Sheet	JA1
Volume 2				
2	1	03/25/25	Complaint	JA26
3	27	04/03/25	Declaration of Todd Wolfson	JA113
4	28	04/03/25	Declaration of Julie Schmid & Exhibit A (*Condemning Hate and Affirming Freedom of Speech on Campus*, American Federation of Teachers (Nov. 9, 2023))	JA121
5	29	04/03/25	Declaration of Reinhold Martin	JA135
6	29-1	04/03/25	Exhibit A to the Declaration of Reinhold Martin (March 7, 2025 Email from Katrina Armstrong)	JA152
7	30	04/03/25	Declaration of Susan Witte	JA155
8	31	04/03/25	Declaration of Victoria Frye	JA164
9	32	04/03/25	Declaration of Jennifer S. Hirsch	JA169
10	45	04/03/25	Declaration of Veena Dubal	JA178
11	45-1	04/03/25	Exhibit A to the Declaration of Veena Dubal (March 24, 2025 Email from Danna Drori)	JA182
12	47	04/04/25	Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA187
13	47-1	04/04/25	Exhibit 1 to the Declaration of Jonathan Rosenthal (Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020))	JA202

14	47-2	04/04/25	Exhibit 2 to the Declaration of Jonathan Rosenthal (Muzaffer Kaya, *Turkey's Purge of Critical Academia*, Middle East Report 288 (Fall 2018))	JA205
15	47-3	04/04/25	Exhibit 3 to the Declaration of Jonathan Rosenthal (Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*, International Research Group on Authoritarianism and Counter-Strategies (July 22, 2021))	JA217
16	47-4	04/04/25	Exhibit 4 to the Declaration of Jonathan Rosenthal (*Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DJTFP 2024 (July 17, 2024))	JA225
17	47-5	04/04/25	Exhibit 5 to the Declaration of Jonathan Rosenthal (*Agenda47: The American Academy*, DJTFP 2024 (Nov. 1, 2023))	JA229
18	47-6	04/04/25	Exhibit 6 to the Declaration of Jonathan Rosenthal (Henry Reichman, *'The Professors Are the Enemy' Right-wing attacks on academic freedom have real repercussions.*, The Chronicle of Higher Education (Dec. 14, 2021))	JA233
19	47-7	04/04/25	Exhibit 7 to the Declaration of Jonathan Rosenthal (Rod Dreher, *"I would like to see European elites actually listen to their people for a change": An Interview with J.D. Vance*, The European Conservative (Feb. 22, 2024))	JA240
20	47-8	04/04/25	Exhibit 8 to the Declaration of Jonathan Rosenthal (*Leo Terrell, Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism On Campus*, HughHewitt & Duane Patterson (March 19, 2025))	JA252
21	47-9	04/04/25	Exhibit 9 to the Declaration of Jonathan Rosenthal (Feb. 17, 2025 Letter to Georgetown Law School from Edward R. Martin, Jr.)	JA259

22	47-10	04/04/25	Exhibit 10 to the Declaration of Jonathan Rosenthal (Jan Claassen, MD, et al., *Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness*, Columbia University Irving Medical Center (March 3, 2025))	JA262
23	48-1	04/04/25	Exhibit 11 to the Declaration of Jonathan Rosenthal (Timothy Wang, MD, et al., *Nerves Electrify Stomach Cancer, Sparking Growth and Spread*, Columbia University Irving Medical Center (Feb. 19, 2025))	JA269
24	48-2	04/04/25	Exhibit 12 to the Declaration of Jonathan Rosenthal (Julia Wattacheril, MD, MPH, *Training Your Electronic Health Record to Think Like a Liver Doctor*, Columbia University Irving Medical Center (Feb. 20, 2025))	JA277
25	48-3	04/04/25	Exhibit 13 to the Declaration of Jonathan Rosenthal (Financial Overview of Columbia University)	JA283
Volume 3				
26	48-4	04/04/25	Exhibit 14 to the Declaration of Jonathan Rosenthal (Economic Impact of Columbia University)	JA290
27	48-5	04/04/25	Exhibit 15 to the Declaration of Jonathan Rosenthal (Ian Bogost, *A New Kind of Crisis for American Universities*, The Atlantic (Feb. 10, 2025))	JA299
28	48-6	04/04/25	Exhibit 16 to the Declaration of Jonathan Rosenthal (Willem Marx, *Campus protests over the war in Gaza have gone international*, NPR (May 3, 2024))	JA312
29	48-7	04/04/25	Exhibit 17 to the Declaration of Jonathan Rosenthal (Executive Order 14188 Additional Measures To Combat Anti-Semitism (January 29, 2025))	JA321
30	48-8	04/04/25	Exhibit 18 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Justice Department Announces Formation of Task Force to Combat*	JA324

			Anti-Semitism, U.S. Department of Justice (Feb. 3, 2025))	
31	48-9	04/04/25	Exhibit 19 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. Department of Education (Feb. 3, 2025))	JA328
32	48-10	04/04/25	Exhibit 20 to the Declaration of Jonathan Rosenthal (*Statement on Notice From U.S. Department of Education Office of Civil Rights*, Columbia University Office of Public Affairs (Feb. 3, 2025))	JA331
33	49-1	04/04/25	Exhibit 21 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses*, U.S. General Services Administration (March 3, 2025))	JA334
34	49-2	04/04/25	Exhibit 22 to the Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (March 4, 2025))	JA338
35	49-3	04/04/25	Exhibit 23 to the Declaration of Jonathan Rosenthal (*DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth $400 million*, U.S. General Services Administration (March 7, 2025))	JA340
36	49-4	04/04/25	Exhibit 24 to the Declaration of Jonathan Rosenthal (Matthew Haag et al., *Decades Ago, Columbia Refused to Pay Trump $400 Million*, The New York Times (March 21, 2025))	JA345
37	49-5	04/04/25	Exhibit 25 to the Declaration of Jonathan Rosenthal (*Responding to Federal Action*, Columbia Office of the President (March 7, 2025))	JA352
38	49-6	04/04/25	Exhibit 26 to the Declaration of Jonathan Rosenthal (March 13, 2025 Letter to Columbia University	JA356

39	49-7	04/04/25	Exhibit 27 to the Declaration of Jonathan Rosenthal (*Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia*, Columbia University)	JA359
40	49-8	04/04/25	Exhibit 28 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA Respond to Columbia University's Actions to Comply with Joint Task Force Pre-Conditions*, U.S. Department of Health and Human Services (March 24, 2025))	JA364
41	49-9	04/04/25	Exhibit 29 to the Declaration of Jonathan Rosenthal (X Post from NIH (March 10, 2025))	JA369
42	49-10	04/04/25	Exhibit 30 to the Declaration of Jonathan Rosenthal (Caroline Lewis, *Hundred of research grants at Columbia canceled following Trump edict, administrator says*, Gothamist (March 11, 2025))	JA372
43	50-1	04/04/25	Exhibit 31 to the Declaration of Jonathan Rosenthal (Spreadsheet of Awards)	JA377
44	50-2	04/04/25	Exhibit 32 to the Declaration of Jonathan Rosenthal (Ryan Quinn, *Trump's Columbia Cuts Start Hitting Postdocs, Professors*, Inside Higher Ed (March 13, 2025))	JA420
45	50-3	04/04/25	Exhibit 33 to the Declaration of Jonathan Rosenthal (Humberto Basilio, *'My career is over': Columbia University scientists hit hard by Trump team's cuts*, Nature ((March 14, 2025))	JA428
46	50-4	04/04/25	Exhibit 34 to the Declaration of Jonathan Rosenthal (Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*, The New York Times (March 18, 2025))	JA435
47	50-5	04/04/25	Exhibit 35 to the Declaration of Jonathan Rosenthal (Jason Mast, *Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research*, Stat News (March 11, 2025))	JA442

48	50-6	04/04/25	Exhibit 36 to the Declaration of Jonathan Rosenthal (Isabella Cueto, *ME/CFS research program shuts down at Columbia after Trump cuts*, Stat News (March 19, 2025))	JA448
49	50-7	04/04/25	Exhibit 37 to the Declaration of Jonathan Rosenthal (March 30, 2025 Open letter in response to federal funding cuts at Columbia)	JA453
Volume 4				
50	50-8	04/04/25	Exhibit 38 to the Declaration of Jonathan Rosenthal (Mark Alfred, *The Trump Administration Cut Cancer and Alzheimer's Research Funding at Columbia University*, Notus (March 18, 2025))	JA477
51	50-9	04/04/25	Exhibit 39 to the Declaration of Jonathan Rosenthal (Thomas Bailey, *Update in Light of March 7 Federal Announcement*, Teachers College of Columbia University (March 7, 2025))	JA483
52	50-10	04/04/25	Exhibit 40 to the Declaration of Jonathan Rosenthal (Jocelyn Kaiser, *After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts*, Science (March 18, 2025))	JA486
53	51-1	04/04/25	Exhibit 41 to the Declaration of Jonathan Rosenthal (Congressional Record, Senate (April 7, 1964))	JA490
54	51-2	04/04/25	Exhibit 42 to the Declaration of Jonathan Rosenthal (Congressional Record, House of Representatives (Feb. 7, 1964))	JA497
55	51-3	04/04/25	Exhibit 43 to the Declaration of Jonathan Rosenthal (Abigail A. Graber, *Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964*, Congressional Research Service (Sept. 17, 2024))	JA504
56	51-4	04/04/25	Exhibit 44 to the Declaration of Jonathan Rosenthal (Jared P. Cole, *Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of*	JA511

			1964, Congressional Research Service (April 4, 2019))	
57	51-5	04/04/25	Exhibit 45 to the Declaration of Jonathan Rosenthal (*Case Processing Manual*, U.S. Department of Education Office for Civil Rights (Feb. 19, 2025))	JA539
58	51-6	04/04/25	Exhibit 46 to the Declaration of Jonathan Rosenthal (*Upholding Our Values*, Columbia Office of the President (Oct. 18, 2023))	JA572
59	51-7	04/04/25	Exhibit 47 to the Declaration of Jonathan Rosenthal *(Standing in Solidarity*, Columbia Office of the President (Oct. 27, 2023))	JA575
60	51-8	04/04/25	Exhibit 48 to the Declaration of Jonathan Rosenthal (*Task Force on Antisemitism*, Columbia University	JA578
Volume 5				
61	51-9	04/04/25	Exhibit 49 to the Declaration of Jonathan Rosenthal (*Announcing Task Force on Antisemitism*, Columbia Office of the President (Nov. 1, 2023))	JA587
62	51-10	04/04/25	Exhibit 50 to the Declaration of Jonathan Rosenthal (*About the Task Force on Antisemitism*, Columbia University)	JA590
63	52-1	04/04/25	Exhibit 51 to the Declaration of Jonathan Rosenthal (*Report #1: Task Force on Antisemitism Columbia University's Rules on Demonstrations*, Columbia University (March 2024))	JA593
64	52-2	04/04/25	Exhibit 52 to the Declaration of Jonathan Rosenthal (*President Shafik Welcomes the First Set of Recommendations From the Task Force on Antisemitism*, Columbia Office of the President (March 4, 2024))	JA612
65	52-3	04/04/25	Exhibit 53 to the Declaration of Jonathan Rosenthal (*Report #2: Task Force on Antisemitism*, Columbia University (Aug. 2024))	JA615

66	52-4	04/04/25	Exhibit 54 to the Declaration of Jonathan Rosenthal (*Combatting Antisemitism*, Columbia Office of the President)	JA620
67	52-5	04/04/25	Exhibit 55 to the Declaration of Jonathan Rosenthal (*University Statement Regarding UJB Determinations*, Columbia University Office of Public Affairs (March 13, 2025))	JA625
68	52-6	04/04/25	Exhibit 56 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism*, U.S. Department of Justice (Feb. 28, 2025))	JA628
69	52-7	04/04/25	Exhibit 57 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment*, U.S. Department of Education (March 10, 2025))	JA632
70	52-8	04/04/25	Exhibit 58 to the Declaration of Jonathan Rosenthal (Maya Sulkin, *Columbia University Says One Thing to Trump Admin—and Another in Private*, The Free Press (March 25, 2025))	JA637
71	52-9	04/04/25	Exhibit 59 to the Declaration of Jonathan Rosenthal (*A Message from Dr. Katrina A. Armstrong*, Columbia University Office of Public Affairs (March 28, 2025))	JA642
72	52-10	04/04/25	Exhibit 60 to the Declaration of Jonathan Rosenthal (*Joint Task Force statement regarding Columbia University's steps to advance negotiations*, U.S. General Services Administration (March 28, 2025))	JA645
73	52-11	04/04/25	Exhibit 61 to the Declaration of Jonathan Rosenthal (Eugene Volokh et al., *A Statement from*	JA648

			Constitutional Law Scholars on Columbia, The New York Review (March 20, 2025))	
74	93	05/01/25	Declaration of Josh Gruenbaum in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA653
75	93-1	05/01/25	Exhibit A to the Declaration of Josh Gruenbaum (March 3, 2025 Memorandum to Columbia University from Josh Gruenbaum)	JA657
76	94	05/01/25	Declaration of Allison M. Rovner in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA661
77	94-1	05/01/25	Exhibit A to the Declaration of Allison Rovner (March 7, 2025 Letter to the Trustees of Columbia University from Mark Washington)	JA663
78	94-2	05/01/25	Exhibit B to the Declaration of Allison Rovner (March 7, 2025 Letter to the Teachers College Columbia University from Mark Washington)	JA666
79	94-3	05/01/25	Exhibit C to the Declaration of Allison Rovner (Oral Argument Transcript of Mahmoud Kahil et al., v. The Trustees of Columbia University in the City of New York, et al. (March 25, 2025))	JA669
80	99	05/08/25	Reply Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA674
81	99-1	05/08/25	Exhibit 62 to the Reply Declaration of Jonathan Rosenthal (Sara Reardon, *Exclusive: NIH freezes all research grants to Columbia University,* Science (April 9, 2025))	JA680
82	99-2	05/08/25	Exhibit 63 to the Reply Declaration of Jonathan Rosenthal (Maddie Khaw, *All of Columbia's NIH Funding Is Apparently Frozen. Here's What That Looks Like for One Researcher*, Chronicle (April 11, 2025))	JA683

83	99-3	05/08/25	Exhibit 64 to the Reply Declaration of Jonathan Rosenthal (April 11, 2025 Letter to Harvard University)	JA690
84	99-4	05/08/25	Exhibit 65 to the Reply Declaration of Jonathan Rosenthal (Michael C. Bender et al., *Inside Trump's Pressure Campaign on Universities*, The New York Times (April 14, 2025))	JA696
85	99-5	05/08/25	Exhibit 66 to the Reply Declaration of Jonathan Rosenthal (*Sustaining Columbia's Vital Mission*, Columbia Office of the President (April 14, 2025))	JA714
86	99-6	05/08/25	Exhibit 67 to the Reply Declaration of Jonathan Rosenthal (April 14, 2025 Letter from Harvard University)	JA717
87	99-7	05/08/25	Exhibit 68 to the Reply Declaration of Jonathan Rosenthal (*Joint Task Force to Combat Anti-Semitism Statement Regarding Harvard University*, U.S. Department of Education (April 14, 2025))	JA720
88	99-8	05/08/25	Exhibit 69 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *The Little-Known Bureaucrats Tearing Through American Universities*, The Wall Street Journal (April 14, 2025))	JA722
89	99-9	05/08/25	Exhibit 70 to the Reply Declaration of Jonathan Rosenthal (Alan Blinder, *Trump Has Targeted These Universities. Why?*, The New York Times (April 15, 2025))	JA732
90	99-10	05/08/25	Exhibit 71 to the Reply Declaration of Jonathan Rosenthal (*Miguel S. Urquiola*, Columbia Office of the Provost)	JA739
91	99-11	05/08/25	Exhibit 72 to the Reply Declaration of Jonathan Rosenthal (Meghnad Bose et al., *Inside Columbia's Betrayal of its Middle Eastern Studies Department*, The Intercept (April 16, 2025))	JA742

92	99-12	05/08/25	Exhibit 73 to the Reply Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (April 16, 2025))	JA755
93	99-13	05/08/25	Exhibit 74 to the Reply Declaration of Jonathan Rosenthal (Anil Oza et al., *NIH said to have halted awarding of new grants to more top universities*, Stat News (April 18, 2025))	JA757
94	99-14	05/08/25	Exhibit 75 to the Reply Declaration of Jonathan Rosenthal (X Post from Max Kozlov (April 18, 2025))	JA760
95	99-15	05/08/25	Exhibit 76 to the Reply Declaration of Jonathan Rosenthal (Nandika Chatterjee, *Trump Takes Personal Revenge on Harvard's Lawyer for Standing Up to Him*, Daily Beast (April 24, 2025))	JA762
Volume 6				
96	99-16	05/08/25	Exhibit 77 to the Reply Declaration of Jonathan Rosenthal (May 5, 2025 Letter to Hard University from Linda E. McMahon)	JA769
97	99-17	05/08/25	Exhibit 78 to the Reply Declaration of Jonathan Rosenthal (*Preserving Columbia's Critical Research Capabilities*, Columbia Office of the President (May 6, 2025))	JA773
98	99-18	05/08/25	Exhibit 79 to the Reply Declaration of Jonathan Rosenthal (Diabetes Prevention Program et al., *An open letter to the Columbia administration*, Columbia Spectator (May 4, 2025))	JA777
99	99-19	05/08/25	Exhibit 80 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *Trump Administration Proposes Terms for Federal Oversight of Columbia University*, The Wall Street Journal (May 5, 2025))	JA781
100	100	05/08/25	Supplemental Declaration of Todd Wolfson	JA785

101	101	05/08/25	Supplemental Declaration of Julie Schmid	JA796
102	102	05/08/25	Supplemental Declaration of Reinhold Martin	JA800
103	103	05/08/25	Declaration of Joshua Jacobs	JA804
104	104	05/08/25	Declaration of Jamie Daw	JA812
105	105	05/08/25	Declaration of Abigail Greenleaf	JA818
106	121	05/20/25	Order Denying Requests to Seal	JA823
107	124	05/23/25	Declaration of Matthew Murray in Support of Plaintiffs' Motion for Preliminary Injunction	JA829
108	124-1	05/23/25	Exhibit A to the Declaration of Matthew Murray (*HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law*, U.S. Department of Health and Human Services (May 22, 2025))	JA831
109	128	05/23/25	Declaration of Ezra Susser (Witness B)	JA836
110	129	05/23/25	Declaration of Joseph Slaughter (Witness C)	JA844
111	130	05/23/25	Declaration of Joel Swanson (Witness D)	JA849
112	131	05/23/25	Declaration of Andrew Geneslaw (Witness K)	JA857
113	132	05/23/25	Declaration of Alex de Sherbinin (Witness L)	JA863
114	133	05/23/25	Declaration of Mary Beth Terry (Witness M)	JA868
115	134	05/23/25	Declaration of Steven Chillrud (Witness N)	JA873
Volume 7				
116	136	05/23/25	Declaration of Teresa Javenic (Witness O)	JA879
117	137	05/23/25	Supplemental Declaration of Joseph Slaughter (Witness C)	JA886

118	138	05/23/25	Supplemental Declaration of Andrew Geneslaw (Witness K)	JA889
119	139	05/23/25	Amended Declaration of Melanie Wall (Witness A)	JA892
120	140	05/23/25	Amended Declaration of Safia Southey (Witness E)	JA899
121	141	05/23/25	Amended Declaration of Anne Li (Witness I)	JA903
122	142-1	05/23/25	Amended Declaration of Jon Lorsch, Ph.D	JA907
123	142-2	05/23/25	Exhibit A to the Amended Declaration of Jon Lorsch (*NIH Grants Policy Statement,* National Institutes of Health (April 2024))	JA914
124	142-3	05/23/25	Exhibit B to the Amended Declaration of Jon Lorsch (Dorothy A. Fink, *Secretarial Directive on DEI-Related Funding*, Department of Health & Human Services (Feb. 10, 2025))	JA921
125	142-4	05/23/25	Exhibit C to the Amended Declaration of Jon Lorsch (Matthew J. Memoli, M.D., *Directive on NIH Priorities*, National Institutes of Health (Feb. 21, 2025))	JA924
126	142-5	05/23/25	Exhibit D to the Amended Declaration of Jon Lorsch (March 10, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA927
127	142-6	05/23/25	Exhibit E to the Amended Declaration of Jon Lorsch (March 14, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA930
128	142-7	05/23/25	Exhibit F to the Amended Declaration of Jon Lorsch (March 7, 2025 Notification of Termination of Multiple Task Orders to the Trustees of Columbia University from Alice Pagán Pereira)	JA933
129	149	06/16/25	Notice of Appeal	JA935
Volume 8				

130	145	05/29/25	Amended Declaration of Witness J (To be filed UNDER SEAL and included in Joint Appendix contingent upon this Court's grant of Plaintiffs' Unopposed Motion to File Under Seal)	JA937

EXHIBIT 77

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,

Linda E. McMahon
Secretary of Education

EXHIBIT 78

COLUMBIA | OFFICE OF THE PRESIDENT

ANNOUNCEMENTS

Preserving Columbia's Critical Research Capabilities

May 06, 2025



Dear members of the Columbia community:

In March, the University shared its plan to assess and prioritize our research activity in light of substantial cuts to more than 300 multi-year awards for federally funded research. We write today to provide an update on the review process and share next steps as we continue to navigate how to best allocate resources amid significant fiscal pressures.

As many of you are aware, the University is engaged in a two-pronged effort related to grants terminated by the federal government. The first prong focuses on our continued efforts to restore our partnerships with government agencies that support critical research. Separately and in parallel, our Deans have carefully reviewed and prioritized our research activity to develop a plan for managing the affected research. We asked each principal investigator of a terminated award to develop a Research Action Plan (RAP) for review at the school level and to inform a school-based approach. During this review period, the University continued to fund those individuals whose salaries and stipends were previously funded with federal support on now-terminated awards.

Columbia's leadership continues discussions with the federal government in support of resuming activity on these research awards and additional other awards that have remained active, but unpaid. We are working on and planning for every eventuality, but the strain in the meantime, financially and on our research mission, is intense. Therefore, the second prong of our efforts is to take action to adjust—and in some cases reduce—expenditures based on current financial realities.

Moving forward, we will be running lighter footprints of research infrastructure in some areas and, in others, maintaining a level of research continuity as we pursue alternate funding sources. In some cases, schools and departments are winding down activity but remain prepared to reestablish capabilities if support is restored. Across the research portfolio we have had to make difficult choices and unfortunately, today, nearly 180 of our colleagues who have been working, in whole or in part, on impacted federal grants, will receive notices of non-renewal or termination. This represents about 20% of the individuals who are funded in some manner by the terminated grants.

We do not make these decisions lightly. We are deeply committed, at Columbia, to the critical work of invention, innovation and discovery. The excellence of our research portfolio is fundamental to our identity, and we are determined to support it. Part of that support means recognizing a changing landscape. Increasing budget constraints combined with uncertainty related to future levels of federal funding for research, including proposed reductions in facilities and administration (i.e., indirect costs) reimbursements, requires us to make difficult choices. We have had to make deliberate, considered decisions about the allocation of our financial resources. Those decisions also impact our greatest resource, our people. We understand this news will be hard.

As schools and departments moved through the process of reviewing priorities related to terminated awards, it became clear that we need to be prepared to make additional investments to secure the strength of our research enterprise as we navigate future periods of uncertainty and change. Additional complexities and risks include the process and funding for obtaining new awards and continuations of existing research projects. To that end, the University has established a Research Stabilization Fund to navigate these future funding risks and lend support to our scientific community in multiple forms. These resources will be made available through an application process for internal grants to scientists to support their work for a limited time as they seek alternate sources of funding or complete the components of their research to enable publication of results. In addition, the University will contribute funds to schools over the next year to support our commitments to graduate students and post-doctoral fellows on terminated training grants, an area that has been severely impacted by terminations of federal support. The Stabilization Fund and Other Resources webpage developed by the Office of the Executive Vice President for Research provides more details about these funds and other resources on funding opportunities for the research community.

Federal actions over the last several months and our perspective on the scale and scope of future funding challenges requires that we look across the University, not just to areas directly impacted by federally funded research, and continue to support Columbia as a national leader in higher education, pioneering research, outstanding patient care, and global societal impact. We will continue to make prudent budget decisions that will ensure long-term financial stability across the University, including making significant budget reductions within the University's central administration. Across the University, we have set parameters to keep most salaries at their current level, without increases for the next fiscal year, with some schools and units providing a modest pool for employees at the lower end of their salary distribution. We have also developed programs to further streamline our workforce through attrition and are preparing to launch a voluntary retirement incentive program, the details of which will be shared next week.

In the coming weeks and months, we will need to continue to take actions that preserve our financial flexibility and allow us to invest in areas that drive us forward. This is a deeply challenging time across all higher education, and we are attempting to navigate through tremendous ambiguity with precision, which will be imperfect at times.

We are grateful for the exceptional leadership and professionalism of our deans, chairs, and senior management who have come together to navigate this critical moment with care and integrity, while upholding and advancing Columbia's mission, values, and the unique qualities that make this a vital, extraordinary place. At the heart of everything we do is our unwavering commitment to the important work that Columbia has led for more than 270 years. As we continue to move forward, the compassion and teamwork of our community exemplify the best of Columbia.

Sincerely,

Claire Shipman
Acting President, Columbia University in the City of New York

Angela V. Olinto
Provost, Professor of Astronomy and of Physics

Anne Sullivan
Executive Vice President for Finance

Jeannette Wing
Executive Vice President for Research, Professor of Computer Science

News

May 06, 2025
Preserving Columbia's Critical Research Capabilities

May 03, 2025
A Message of Thanks and Pride

April 28, 2025
Supporting Our International Community

April 18, 2025
Building on Our Commitment to Listen and Learn

April 14, 2025
Sustaining Columbia's Vital Mission

EXHIBIT 79

COLUMBIA SPECTATOR

OPINION | OP-EDS

An open letter to the Columbia administration



By Anna Fedorova / Staff Photographer

BY DPP/DPPOS RESEARCH GROUP • MAY 4, 2025 AT 8:38 PM

Share

On March 10, the federal grant funding the Diabetes Prevention Program Outcomes Study was terminated by the National Institutes of Health as part of the federal government's response to alleged Title VI infractions at Columbia. Although Columbia is considered the primary recipient of this grant, 90 percent of the funds were being spent outside of Columbia through subcontracts to 30 Diabetes Prevention Program Outcomes Study centers located in 21 states. However, as the central financial grantee, only Columbia can appeal the termination of the grant, and to date, it has been reluctant to do so. Without funding, the DPPOS, which is almost 30 years old, will die.

COLUMBIA SPECTATOR

subjects through a lifestyle intervention program directed at weight loss and increased physical activity. Its major results were announced in 2001 and published in the New England Journal of Medicine in 2002. Today, the DPP publication remains the most frequently cited article in the diabetes prevention literature. The DPP lifestyle intervention was subsequently adopted by the Centers for Medicare and Medicaid Services as the Medicare DPP.

Since the completion of the DPP, which spanned from 1996 to 2001, its participants have been continuously monitored to determine the longer-term consequences of diabetes prevention, including potential benefits for heart disease, stroke, eye and kidney disease, cancer, and frailty. Of note, the prediabetes and diabetes populations in the United States total approximately 100 million and 40 million, respectively. The DPPOS study therefore seeks to study health concerns that affect a substantial fraction of the U.S. population—thus the long-term maintenance of the study is critical to addressing multiple major public health issues.

Beginning in 2022, DPPOS turned its attention to examining the development of Alzheimer's disease and other dementias among its diabetic and prediabetic members, who now have an average age in the 70s. With the shift in focus, the funding moved to Columbia, which in turn distributed it nationwide.

Since March 10, the DPPOS leadership has sought to have the funding restored by highlighting our innocent bystander status in the press and appealing to members of the Congressional Diabetes Caucus, the largest caucus in Congress. Thus far, Columbia has not submitted a formal appeal of the termination to the NIH on our behalf; instead, it has required us to wait while it negotiates a University wide appeal. Unfortunately, this places our study in grave peril. Staff at the 30 clinical sites are already being laid off, and clinics are preparing to close.

The failure of Columbia to file a timely appeal on behalf of the DPPOS is damaging the DPPOS infrastructure irreversibly. We cannot wait any longer to submit the appeal, which may be our only hope. Further, Columbia has prevented us from submitting an application to the NIH for a supplement that would allow us to conduct an orderly close-out, protect the data, and honorably conclude the relationship with study participants. The loss of the DPPOS would mean that important public health questions related to diabetes and dementia may never be answered: the almost 30 years of data it has collected from its 1,700 current participants is unique and cannot be replicated.

The DPPOS is addressing the prevention of chronic diseases that have been highlighted by the current federal administration. Every day that goes by threatens the survival of this valuable scientific resource. Without funding, staff at our 30 centers will need to find new employment; with their departure, long-term connections with loyal participants will inevitably disintegrate.

COLUMBIA SPECTATOR

from the NIH in order to carry out an orderly study closeout. Unless Columbia acts now, the DPP/DPPOS will end, leaving unaddressed some of the most important questions in public health.

The Diabetes Prevention Program and DPP Outcomes Study Research Group is composed of the investigators and staff at the study centers including the participant study sites, coordinating center, central laboratory, and reading centers.

Editor's Top I
Baja Llama

To respond to this op-ed, or to submit your own, contact opinion@columbiaspectator.com.

More In Opinion

EXHIBIT 80

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com.

https://www.wsj.com/us-news/education/trump-columbia-university-consent-decree-proposal-d21830f2

EXCLUSIVE U.S. EDUCATION NEWS Follow

Trump Administration Proposes Terms for Federal Oversight of Columbia University

The government has presented the Ivy League school with a proposal for a consent decree

By Liz Essley Whyte Follow *and Douglas Belkin* Follow

May 5, 2025 5:22 pm ET



Columbia University was thrust into a battle with the Trump administration in March. PHOTO: CHARLY TRIBALLEAU/AGENCE FRANCE-PRESSE/GETTY IMAGES

Key Points

What's This?

- The Trump administration proposed a consent decree for Columbia, granting a judge oversight of compliance.
- The government is seeking viewpoint diversity among faculty and wants Columbia not to consider race in admissions.
- Columbia faces a choice: to negotiate decree, or fight in court, risking funding and public scrutiny.

The Trump administration has presented Columbia University with a proposal for a consent decree, a form of federal oversight that would give a judge responsibility for ensuring Columbia complies with the agreement, according to people familiar with the matter.

Columbia leaders are negotiating with the government and weighing what to do, the people said. The university's board is undecided on whether to accept a consent decree, they said. For a consent decree to take effect, Columbia would have to agree to enter it.

The government has told the school that it can either negotiate and accept a consent decree, or face a court battle that could end up with the school facing more public scrutiny and in the end the same kind of legal agreement to make changes, perhaps with worse terms, they said.

With a consent decree, the government is seeking viewpoint diversity among Columbia's faculty and that the school not consider race in admissions, the people said.

Columbia was thrust into a battle with the Trump administration in March, when the government canceled $400 million in federal grants and contracts over concerns about campus antisemitism. The school agreed to an initial list of demands, and is now in further talks about the future of its federal funding.

The negotiations at Columbia are part of a broader fight between the Trump administration and elite universities. The White House is also fighting Harvard University over federal funding, among other things.

A Columbia spokesperson said: "This story is based entirely on hearsay and does not hold merit." She pointed to a statement issued last month from acting university president Claire Shipman, who said that Columbia would reject any agreement that would require relinquishing its independence.

A consent decree would be a major escalation of how the federal government normally resolves education-related civil-rights issues. Typically after federal lawyers investigate and find evidence that civil rights were violated, schools enter voluntary agreements to change their practices. The federal government has little ability to enforce such agreements. The Biden administration entered into such voluntary agreements over antisemitism concerns with Brown University and Rutgers.

Columbia could fight the move in court; the Justice Department would need to prove that the arrangement is warranted. But a court case could take years, and Columbia would likely lose federal funding in the interim—and might ultimately lose. Opposing the move would also open the school up to required depositions and legal fact-finding, which could keep the school's campus politics in the spotlight.

Typically a consent decree involves a legally binding agreement, with compliance overseen by a judge. In the past, the government has implemented consent decrees in instances such as the Live Nation merger, where the newly formed company agreed to certain restrictions. Such decrees were used heavily during the Obama administration to negotiate with cities for changes to their police departments.

Write to Liz Essley Whyte at liz.whyte@wsj.com and Douglas Belkin at Doug.Belkin@wsj.com

Appeared in the May 6, 2025, print edition as 'Columbia Pressed To Accept Consent Decree'.

Further Reading

Trump Administration Cuts Off New Federal Grants to Harvard

Bill Ackman Backs Harvard Losing Tax-Exempt Status, Calls for Board Overhaul

Harvard's Brawl With Trump Casts Doubt on Its Pristine Credit

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Supplemental Declaration of Todd Wolfson

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,

Case No. 1:25-cv-02429-MKV

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et al.*,

Defendants.

SUPPLEMENTAL DECLARATION OF TODD WOLFSON

I, Todd Wolfson, hereby declare as follows:

1. I currently serve as President of the American Association of University Professors ("AAUP"), a plaintiff in this action. I have served in that position since June 2024. I previously submitted a declaration in this action describing my background. *See* Declaration of Todd Wolfson (Mar. 31, 2025) (ECF 27).

2. I have personal knowledge of the facts set forth in this supplemental declaration in support of Plaintiff's Motion for Preliminary Injunction, and if called as a witness in this action, I could and would testify competently to these facts.

3. In my previous declaration, I described harms that the AAUP's members and the AAUP itself have suffered and will suffer from Defendants' actions without a preliminary injunction. I have reviewed declarations submitted by other AAUP/AFT members describing harms they have suffered and will suffer without a preliminary injunction. I have also reviewed the April 1, 2025 Declaration of AFT Director of Higher Education Julie Schmid, describing harms

that the American Federation of Teachers ("AFT"), AAUP's affiliate organization and co-plaintiff in this action, has suffered and will suffer without a preliminary injunction. This supplemental declaration summarizes the harms to the AAUP, the AFT, and their members described in those prior declarations.

Harms to AAUP and AFT Members

4. The following paragraphs of my pervious declaration and other AAUP/AFT members' declarations describe the direct financial harms from loss of federal funding that AAUP/AFT members are suffering from Defendants' cancelation of federal funding to Columbia and are at imminent risk of suffering as a result of Defendants' threats to cancel more funding if Columbia does not accede to Defendants' demands:

a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶¶13, 15 (AAUP/AFT member's grant cut, grant covered 80% of salary), ¶¶22-23 (canceled grant coved "bulk" of salary), ¶¶32, 36 (grant funding two professors was canceled), ¶¶43, 49 (canceled grant covered 15% of salary, with other canceled grants covering "a large part" of their salary).

b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶15 (canceled grant would have provided salary support).

c. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶12 (Columbia committed to provide temporary salary coverage for portion of canceled grant during "immediate period of uncertainty," but not beyond).

d. **Declaration of Witness-A (ECF 34, under seal):** ¶6 (salary nearly 100% covered by grant funding, with direct relationship between salary and grant funding), ¶¶8-10 (two grants canceled).

e. **Declaration of Witness-B (ECF 35, under seal):** ¶¶7-8, 18 (position depends on grant funding, grants support up to 25% of salary, and several grants were terminated).

f. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶9 (AAUP/AFT members rely on federal grants to support their research, scholarship, and teaching activities),

¶10 (AAUP/AFT members have lost funding as a result of $400 million cancelation), ¶11 (AAUP/AFT members rely on federal funding Defendants have threatened to cancel), ¶12 (AAUP/AFT members concerned about losing their jobs or ability to continue to support their livelihoods).

5. The following paragraphs of other AAUP/AFT members' declarations describe examples of how Defendants' cancelation of federal funding to Columbia is harming ongoing and future work on previously approved multi-year grants:

a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶13 (termination of 5-year NIH U2R grant, with 1.5 years remaining), ¶17 (T32 training grants for PhD students in middle of 5-year grant), ¶22 (3-year NIH K01 grant terminated 2 months into project), ¶32 (5-year grant from National Cancer Institute canceled 1.5 years into grant), ¶35 (research halted after grant withdrawn, including clinical trial that had not yet begun), ¶¶43-44 (3-year grant, about 6 months into program).

b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶¶7, 10 (termination of 3-year NIH P20 grant just recently awarded).

c. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶¶8-9 (termination of NIH 5-year grant for pre-doctoral research training program, currently in year 3).

d. **Declaration of Witness-A (ECF 34, under seal):** ¶9 (termination of multi-year grants).

6. The following paragraphs of my previous declaration and other AAUP/AFT members' declarations describe harms beyond the loss of money that AAUP/AFT members and others are suffering and are at imminent risk of suffering as a result of Defendants' cancelation of federal funding to Columbia and threats to cancel more funding if Columbia does not accede to Defendants' demands:

a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶14 (cancelation caused interruption of collaborative research and training activities with scientists and trainees at other institutions), ¶17 (lost training and mentoring from NIH training grants), ¶18

(fewer training grants means smaller cohort of doctoral students, reduced research productivity for faculty, reduced teaching by teaching assistants), ¶24 (end of employment of research assistant), ¶25 (lost critical career development support for early career researchers, including training programs, data access, seminars, travel to collaborate; disruption of coordination with advisory teams and delayed access to knowledge and skills), ¶26 (will "jeopardize future recruitment opportunities" by causing inadequate training), ¶35 (research halted after grant withdrawn, including clinical trial that had not yet begun), ¶37 (termination of 10 people with unique experience and skills in South Africa supporting research will "set back this project and lifesaving research to combat cervical cancer substantially"), ¶38 (forced reneging on commitments to partners "erode[s] trust" with partnering organizations), ¶45 (cuts harm external partners at other universities), ¶46 (masters students working as research assistants laid off), ¶48 (causing delay in environmental health research).

b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶10 (cancelation means faculty cannot hire to support research), ¶¶11-14 (laid off staff in Nairobi who had experience and standing in the community important for community health work), ¶16 (lost training opportunities for PhD students), ¶¶17-22 (stopping work "breaks the trust of the community" which is "vital" for research and will harm future efforts even if other funding were found), ¶19 (lost opportunities for conferences and knowledge-sharing), ¶¶24-25 (stopping work harms "trust and long-standing relationships with the local stakeholders" critical to research making it difficult to do future work because of this damaged trust).

c. **Declaration of Victoria Frye (March 30, 2025) (ECF 31):** ¶¶6-8 (loss of T32 training grants for pre-doctoral students means less research work), ¶9 ("training program grants are critical to the development of future scientists in HIV-prevention and in research generally – the cutting of training program funding risks decimating a

generation of scientists"); ¶10 (cuts harm ability to do long-term planning), ¶11 (harm to HIV research "threatens the health of all our communities").

d. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶¶8-10 (termination of training grant "puts the survival of the doctoral program as a whole in peril"), ¶13 (trainees denied access to regional meetings and conferences vital for professional development), ¶14 (unable to hire for future cycles).

e. **Declaration of Witness-A (ECF 34, under seal):** ¶9 (end of study breaks trust, makes it hard to recruit new study participants), ¶10 (stopping longitudinal study makes data collected earlier of little use), ¶12 (ending training grants hurts next generation of health sciences, makes it more difficult to recruit American students to health science).

f. **Declaration of Witness-B (ECF 35, under seal):** ¶¶12-13 (long-term project close to being finished has stopped, "years of hard work are basically lost"), ¶16 (cancelation breaks trust with collaborators outside Columbia, also detrimental to faculty's reputation, even if funding is restored), ¶17 (harms workers at other universities who were funded as part of grant), ¶20 (likely causes layoffs of people with expertise), ¶29 (irrevocably complicates long term planning necessary to do collaborative work), ¶32 (harm to research risks harms to community health).

g. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶10 (funding cancelation causes AAUP members irreparable harm to their research, work, reputation, and ability to pursue their careers), ¶11 (uncertainty makes it difficult to plan, maintain professional relationships, and recruit staff).

7. The following paragraphs of my previous declaration and other AAUP/AFT members' declarations describe harms that AAUP/AFT members and others are suffering to their First Amendment free speech, association, and academic freedom rights as result of Defendants' actions:

a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶20 (cuts "have had a chilling effect on everyone at Columbia"), ¶54 (causing students and faculty to be "far

more self-conscious in the classroom"), ¶¶57-59 (own teaching constrained; classroom environment "has become noticeably less open"), ¶¶62, 64 (faculty "unable to step forward and speak freely").

b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶¶29-30 ("I'm uncertain about what I can and cannot say in the classroom or in public" and Defendants' actions are "prevent[ing] me from expressing what should be a valid and legal viewpoint in the United States"), ¶32 (student refused to complete assignment for fear government could access it), ¶¶34-36 (funding cuts caused "second-guessing how my words may be taken out of context"; "my academic freedom is chilled").

c. **Declaration of Victoria Frye (March 30, 2025) (ECF 31):** ¶¶15, 17 ("I now no longer talk freely in my work building" and "I am concerned that if I speak out, I will lose funding or others close to me will lose funding, and then our research study participants will be harmed"), ¶16 (faculty changed information session due to fear of government).

d. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶21 (fear about participating in this case), ¶24 (fear that speaking out "will lead to me being blacklisted at NIH").

e. **Declaration of Witness-B (ECF 35, under seal):** ¶¶34-35 (feel chilled in my speech in teaching and around campus).

f. **Declaration of Witness-C (ECF 36, under seal):** ¶7 (funding cancelation and March 13 demands are chilling speech on campus, stifling classroom discussion and participation, event programming and external speaker visits, and research by students and faculty), ¶8 (students are scared to speak in class; one student compared the chill to their experience studying in Russia), ¶9 (faculty fear speaking openly in classrooms, events have been canceled, course material restricted or deleted from online).

g. **Declaration of Witness-D (April 1, 2025) (ECF 38, redacted):** ¶¶13-16 (students at other colleges fear speaking), ¶¶18-22 (faculty at other colleges are experiencing chill, changing teaching and choice of reading assignments).

h. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶28 (faculty have canceled conferences, pulled papers set for publication, decided not to teach certain classes, stopped attending talks, refrained from attending lawful protests, and stepped down from their AAUP chapter board).

Harms to the AAUP and the AFT

8. The following paragraphs of my previous declaration and the declaration of AFT Director of Higher Education Julie Schmid describe ways that Defendants' actions have directly impaired the AAUP's and the AFT's missions to advance academic freedom and protect the economic security of academic workers:

a. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶16 (Defendants' funding cancelation and threats to cancel more "are directly impairing the AAUP's mission" including mission "to advance academic freedom and shared governance in higher education, define fundamental values and standards for higher education, promote the economic security of academic workers, and ensure higher education's contribution to the common good"), ¶22 (Defendants' actions "disrupt and frustrate the AAUP's efforts to secure principles of academic freedom, shared governance, and due process at Columbia and elsewhere"), ¶24 (Defendants' actions "make it harder for the AAUP to achieve its goals of promoting academic freedom, shared governance, and due process principles," partly "because Columbia has taken steps in direct response to the Trump Administration's actions to undermine those principles," and Columbia is "less willing now to protect those principles in the face of threatened funding cuts"; Defendants have also "directly impaired the AAUP's mission by pressuring Columbia to curtail speech and academic freedom on campus").

b. **Declaration of Julie Schmid (April 1, 2025) (ECF 28):** ¶12 (cancelation of funding and demands that Columbia take additional steps as a "precondition" for any continued federal funding directly impairs AFT's mission), ¶21 (Defendants' actions "have undermined and eroded the longstanding principles of academic freedom, shared

governance, and due process that the AFT helps and seeks to protect at Columbia and other institutions" and "[a]s a direct result of Defendants' actions, Columbia no longer adheres to these principles"), ¶23 (Defendants' actions "make it harder for the AFT to achieve its goals of promoting academic freedom, shared governance, and due process principles in part because of the steps Columbia has taken in response to the Trump Administration's actions to undermine those principles").

9. The following paragraphs of my previous declaration and the declaration of AFT Director of Higher Education Julie Schmid describe ways that Defendants' actions have forced the AAUP and the AFT to spend money and divert substantial resources from other efforts:

a. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶20 (AAUP diverted staff time and expenses to assist Columbia members respond to Defendants' demands), ¶23 (Defendants' actions are costing AAUP more time and expenses to respond to government's threats to academic freedom), ¶¶25-27 (AAUP forced to conduct nationwide calls and meetings to coordinate responses and represent faculty; redirected staff to be physically present on Columbia's campus to support campus chapter's response; spent "countless hours" advising Columbia members about government's demands to place controls on MESAAS Department).

b. **Declaration of Julie Schmid (April 1, 2025) (ECF 28):** ¶¶19-20 (AFT diverted staff time and resources that would been devoted other work to host weekly calls, biweekly webinars, and produces weekly newsletter to advise affiliate leaders and members seeking guidance on how to respond to funding cuts and threats; and drafted contract and policy language to be used by affiliates), ¶22 (will cause significantly greater expenditures from AFT Defense Fund to support academic freedom and due process rights of faculty), ¶24 (forces to divert resources to respond to significant influx of inquiries from affiliates and members seeking guidance on how to protect academic freedom)

10. Since I signed my previous declaration on March 31, 2025, Defendants' funding cuts, threats to make additional cuts if Columbia does not accede to their demands, and freezing of additional federal funding to Columbia, including freezing all NIH grants, have directly frustrated the AAUP's core activities of providing counseling, advice, and support services to AAUP chapters and members to advance the AAUP's mission to protect academic freedom, due process, and economic security of higher education professionals. Defendants' actions have caused the AAUP to divert additional time, money, and staff resources from other efforts to respond to Defendants' actions. For example, since March 31, 2025, the AAUP has assigned a staff person to spend 90% of his time supporting the Columbia AAUP chapter, providing guidance, assistance, advice, and support services focused on helping the chapter protect the academic freedom and economic security of AAUP members at Columbia from the harms caused by Defendants' actions and threats. The AAUP's Executive Director has spent 10-12 hours in the past month alone focused exclusively on the AAUP's guidance and support services to the Columbia AAUP and its members. The AAUP's Secretary Treasurer has also spent substantial time creating organizing materials specifically for the Columbia AAUP chapter.

11. The AAUP diverted time, money, and staff resources to engage in these efforts and the efforts described in my previous declaration to respond to Defendants' actions that directly harmed the AAUP's ability to provide its core services to its chapters and members. Had Defendants not cut funding to Columbia and threatened to cut more funding unless Columbia complied with Defendants' demands, the AAUP would have used that staff time, money, and resources to engage in different tasks intended to promote other aspects of the AAUP's mission. For example, the AAUP would have assigned the staff person who has been almost exclusively dedicated to supporting the Columbia chapter to support other AAUP chapters. The AAUP's leadership has postponed addressing routine personnel matters that would have been addressed and resolved had leadership not been forced to dedicate its time to supporting the Columbia chapter and its members. The AAUP has also diverted staff time, resources, and money from other AAUP

chapters, and has not provided the support and services for organizing efforts at other universities that AAUP would have provided had it not been for Defendants' actions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 6th day of May 2025.

Todd Wolfson

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Supplemental Declaration of Julie Schmid

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

SUPPLEMENTAL DECLARATION OF JULIE SCHMID

I, Julie Schmid, hereby declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts in this declaration. I serve as the Director of Higher Education at the American Federation of Teachers ("AFT"), one of the plaintiffs in this lawsuit. I previously submitted a declaration in this action describing my background. *See* Declaration of Julie Schmid (Apr. 1, 2025) (ECF 28).

1. I have personal knowledge of the facts set forth in this supplemental declaration in support of Plaintiff's Motion for Preliminary Injunction, and if called as a witness in this action, I could and would testify competently to these facts.

2. In my previous declaration, I described harms that the AFT's members and the AFT itself have suffered and will suffer from Defendants' actions without a preliminary injunction. *See* Declaration of Julie Schmid (Apr. 1, 2025) (ECF 28) ¶¶12, 19-25. This supplemental declaration describes additional harms that Defendants' actions have caused to the AFT since I signed my prior declaration.

3. Since I signed my previous declaration on April 1, 2025, Defendants' funding cuts to Columbia, threats to make additional cuts if Columbia does not accede to their demands, and freezing of additional federal funding to Columbia, including freezing all NIH grants, have directly frustrated the AFT's core activities of providing counseling, advice, and representation services to AFT chapters and members to advance the AFT's mission to protect academic freedom, due process, and economic security of higher education professionals. Defendants' actions have caused the AFT to divert additional time, money, and staff resources from other efforts to respond to Defendants' actions. For example, since April 1, 2025, the AFT has spent time and resources offering webinars and workshops addressing academic freedom and free speech concerns that chapters and members have raised as a direct result of the actions taken by the Defendants against Columbia. To support this effort, AFT's Higher Education Program and Policy Council established a subcommittee tasked with creating resources on academic freedom and free speech, with support from AFT staff. On April 3, 2025, as part of the AFT's counseling and representation services to its chapters and members, the Shanker Institute partnered with the AFT Higher Education Division to host an event titled, "Antisemitism, Democracy, and the Assault on Knowledge & Education," where panelists discussed how the Defendants exploited real concerns about antisemitism to attack higher education institutions like Columbia and offered advice to members on how to protect their rights. In her April 20, 2025 New York Times column, AFT president Randi Weingarten discussed how the Defendants' actions have undermined the pursuit of knowledge and the right to free speech, directly impairing the AFT's core activities. On April 23, 2025, the AFT released a podcast titled, Higher Education Under Attack, available at www.aft.org/uniontalk, focusing on the Defendants' attacks on higher education institutions and how members can defend their academic freedom and free speech rights.

4. The AFT diverted time, money, and staff resources to engage in these efforts and the efforts described in my previous declaration to respond to Defendants' actions that directly harmed the AFT's ability to provide its core services to its chapters and members. Had Defendants not cut funding to Columbia and threatened to cut more funding unless Columbia complied with

Defendants' demands, the AFT would have used that staff time, money, and resources to engage in different tasks intended to promote other aspects of the AFT's mission. For example, the AFT's previously ongoing and planned efforts aimed at increasing public funding for higher education and securing job security to contingent faculty have been redirected towards defending academic freedom through servicing and counseling to AFT chapters and members. Last summer, as part of its Real Solutions in Higher Education campaign, the AFT pledged $1 million to support state and local affiliates in addressing job insecurity on campuses for contingent faculty, reducing public disinvestment in our colleges and universities, and fighting threats to academic freedom. Since its launch, the AFT has rejected more than $900,000 in grant requests from affiliates related to job insecurity for contingent faculty and reducing public investment in colleges and universities, as a result of the AFT's need to focus its resources on the defense of academic freedom at Columbia and other campuses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 7th day of May 2025.



Julie Schmid

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Supplemental Declaration of Reinhold Martin

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

SUPPLEMENTAL DECLARATION OF REINHOLD MARTIN

I, Reinhold Martin, hereby declare as follows:

1. I am a Professor of Architecture at Columbia University and president of the Columbia chapter of the American Association of University Professors (AAUP). I previously submitted a declaration in this action describing my background. *See* Declaration of Reinhold Martin (Apr. 2, 2025) (ECF 29).

2. I have personal knowledge of the facts set forth in this supplemental declaration, and if called as a witness in this action, I could and would testify competently to these facts.

3. In my previous declaration, I described harms that I and other AAUP members have suffered and will suffer from Defendants' actions without a preliminary injunction. This supplemental declaration describes additional harms that Defendants' actions are causing on campus, including to AAUP members.

4. AAUP's membership includes faculty in the Middle Eastern, South Asian, and African Studies department (MESAAS). I understand that in response to Defendants' demands,

Columbia has appointed a Senior Vice Provost, Miguel Urquiola, to "review" the department and that his review is underway.

5. I have learned about many additional AAUP members who have been directly affected by Defendants' termination of federal funding. For example, I am aware of an AAUP member at the Teachers College whose grant from the Department of Education was terminated and has not been reinstated.

6. As of the date of this declaration, it is my understanding that Defendants have not restored the vast majority of the federal funding to Columbia that they canceled in March. Columbia's leadership has repeatedly indicated that the university remains in discussions with the federal government. The faculty has not received information about the details of those discussions, including about any specific additional demands the government has made. The government has not, to my knowledge, withdrawn any of the demands that it previously made.

7. AAUP members have expressed uncertainty and confusion about the extent to which Columbia intends to cover some portion of the terminated funding, including, in particular, the salaries for individuals funded by terminated grants. In a March 31, 2025 announcement, Provost Angela Olinto had indicated that Columbia would be conducting a review of the award terminations to inform next steps. She further stated that Columbia "committed to fund those individuals whose salaries and stipends were previously funded with federal support on now-terminated awards, using institutional funds, while we undertake the review." However, the email provided no information about how long the review process would take or whether individuals could expect any additional salary coverage *after* the review was complete.

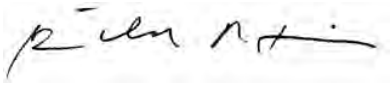
8. On May 6, 2025, the Office of the President sent a university-wide email providing at least some additional information on this question. The email stated that, as a result of the termination of federal funds, nearly 180 individuals "who have been working, in whole or in part, on impacted federal grants, will receive notices of non-renewal or termination" on that

day. The email further stated that this number "represents about 20% of the individuals who are funded in some manner by the terminated grants."

9. The May 6 announcement makes clear that Columbia is not committing to fully covering the salaries and stipends of all individuals affected by the grant terminations. However, the announcement does not make clear whether Columbia intends to provide any coverage to the remaining 80% of individuals who remain in their positions for now (and if so, for how long).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this __7th_ day of May 2025.



Reinhold Martin

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Joshua Jacobs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF JOSHUA JACOBS

I, Joshua Jacobs, hereby declare as follows:

1. I am an Associate Professor in the Department of Biomedical Engineering at Columbia University. I have been a member of the Columbia faculty since 2015.

2. I have B.S. and M.Eng. degrees in computer science from the Massachusetts Institute of Technology, as well as a Ph.D. in neuroscience from the University of Pennsylvania.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration and, if called as a witness in this action, I could and would testify competently to these facts.

5. My research focuses on understanding the neural basis of memory and spatial navigation. This work is important not only to explain how humans navigate, but also to elucidate how the brain supports various types of memory and to develop treatments for disorders such as Alzheimer's Disease.

6. Most of my research is based on direct human brain recordings, which allow us to identify neural patterns that reveal how the brain represents memories. Direct human brain recordings, however, are hard to obtain; they can only be captured after a neurosurgeon surgically implants electrodes in a subject's brain.

7. One of my major current projects seeks to develop and test new ways to measure the relationship between the human brain and behavior. This project is funded by an R61/R33 grant from the National Institute of Mental Health, a component of the National Institutes of Health (NIH). The initial Notice of Award was issued December 28, 2023, after a competitive application process. I am one of the principal investigators on the grant.

8. The project funded by this grant has two phases. In the R61 phase, it seeks to develop a state-of-the-art platform called CAMERA (Context-Aware Multimodal Ecological Research and Assessment). This platform will be capable of recording and combining signals from a range of data sources (such as human neural recordings, audiovisual recordings and wearable sensors) in order to predict a person's level of anxiety and memory state. This will provide novel biomarkers of anxiety and memory state, which can guide therapeutic brain stimulation. Our project will also provide a generalized platform for researchers studying the physiology of many types of complex human states and behaviors. The R61 phase of the project is intended to last three years.

9. If the R61 phase is successful—*i.e.*, if we can demonstrate that CAMERA can successfully combine these signals to predict a subject's emotional or memory state—then we will receive funding to proceed to the R33 phase of the project.

10. In the R33 phase, we will test whether we can use CAMERA to more accurately identify and modulate anxiety and memory performance in individual subjects. In other words, we will be able to use the platform we have developed to predict whether individuals are experiencing memory dysfunction or anxiety episodes, and if so, we will be able to apply brain stimulation to help treat those individuals. The R33 phase of the grant is intended to last two years.

11. If we do not succeed in the R61 phase, we will not receive funding to proceed to the R33 phase.

12. The grant awards Columbia approximately $700,000 in direct costs per year (approximately $1 million total per year).

13. This is an interdisciplinary research project involving a collaboration between biomedical engineers, a neurosurgeon, machine learning engineers, a neurologist, psychiatrists, and a neuroethicist. In total, the grant provides either full or partial salary support for approximately 15 individuals working on the project. Several of those individuals work at subaward institutions: the University of Minnesota, which is focused on the brain stimulation piece of the research project, and Rutgers University, which is focused on the machine learning aspect.

14. For multi-year grants like this one, NIH issues a separate Notice of Award for each year of the grant. Near the end of each grant year, researchers are typically required to submit a Research Performance Progress Report (RPPR) updating the agency on the project. NIH then issues a Notice of Award for the following year, accompanied by a new cycle of funding.

15. The Year 1 Notice of Award we received from NIH provided funding for the period from January 1, 2024 until December 31, 2024. We submitted our RPPR for this project in December 2024. Typically, based on my and my colleagues' experience with other NIH grants, I would have expected to receive the Year 2 Notice of Award in December 2024 or January 2025. However, I still have not received the Year 2 Notice of Award.

16. Until recently, based on communications from the NIH, it appeared that the delay in issuing the Notice of Award was caused by routine administrative issues. Between January 2025 and April 2025, NIH requested multiple updates to the RPPR and additional administrative documentation. I submitted several rounds of updated paperwork at NIH's request, most recently on April 15, 2025. On April 17, 2025, the NIH Grants Management Specialist sent an email acknowledging receipt of all requested documentation.

17. I have not heard any additional information from NIH since April 23, 2025. I have repeatedly reached out to my program officer at NIH to discuss the status of the grant and have requested multiple phone calls, but I have not gotten any response.

18. I have not received a termination notice or a stop-work order on this project from NIH.

19. I have never received any indication from NIH that the agency had concerns about our progress or the overall performance of the project. On the contrary, we received positive feedback on this project from a presentation at the 2024 annual BRAIN Initiative Meeting in June 2024. An NIH program official subsequently requested figures from our presentation to include in a progress update for NIH Institute/Center (IC) directors regarding the Brain Behavior Quantification and Synchronization (BBQS) program, which our project is part of. Program officials also conveyed enthusiasm among NIH officials for BBQS projects at a BBQS Consortium Principal Investigators Meetings on March 17, 2025. Further, I have been invited to an annual meeting with NIH staff on July 15, 2025 to discuss our research.

20. Our research project does not relate to diversity, equity, and inclusion (DEI) or other topics that NIH now appears to consider controversial.

21. Around April 18, 2025, I learned from social media posts by Max Kozlov, a science journalist at *Nature*, that NIH had been instructed to stop issuing awards to Columbia. Kozlov posted an April 17, 2025 email from Michelle G. Bulls, the Director of the NIH Office of Policy for Extramural Research Administration, who stated: "We have 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. Also, HHS/IOS has stated that we should not provide any communications to these schools about whether or why the funds are frozen."[1]

[1] https://bsky.app/profile/maxkozlov.bsky.social/post/3ln4h6i5tes2f

22. These posts followed an April 9, 2025 article in *Science* that first reported on NIH's funding freeze. The article characterized an April 8, 2025 email from Bulls as stating that "no NIH awards can be made to Columbia until the restriction is lifted."[2]

23. I believe that NIH has not issued the Year 2 Notice of Award for my R61/R33 grant because of the funding freeze described in the April 8, 2025 email and confirmed in the April 17, 2025 email. I further believe that NIH has stopped communicating with me about the status of the award because of the directive relayed in the April 17, 2025 email.

24. In response to an email I sent on April 23, 2025 to the overseeing NIH Program Officer and Grants Management Specialist inquiring about the status of the grant, she did not identify any outstanding concerns and only stated that "We are awaiting guidance."

25. I am not aware of any NIH grants issued to Columbia after April 17, 2025.

26. The delay in receiving this year's Notice of Award could have catastrophic long-term consequences for this research project. As a clinical trial, a disruption in funding would lead to disruption in enrollment and follow up of human subjects. A disruption in the project would also risk nullifying the data from the first 19 subjects enrolled in the project, which would be a waste of the time and investment on the part of human subjects, researchers, and federal research funding. As explained, our ability to advance our project to the R33 phase—the phase that would allow us to apply the CAMERA system for the benefit of human patients—depends on our ability to successfully develop the system in the R61 phase. We only have three years to complete the R61 phase. A gap in funding would set back our progress significantly and could jeopardize our ability to move to the next phase because we would be likely to lose staff who are knowledgeable about the project.

27. Before April, I received permission from Columbia to continue spending on the project even though this year's Notice of Award was delayed. That authorization was based on

[2] https://www.science.org/content/article/nih-freezes-all-research-grants-columbia-university?utm_campaign=Science&utm_source=Bluesky&utm_medium=ownedSocial

the assumption that the Notice of Award would be issued shortly and the new cycle of funding could be applied retroactively to cover any spending incurred in 2025.

28. Since reports of the NIH funding freeze emerged, however, I have been told by Columbia that "caution should be exercised in spending." Our external partners at the subaward institutions have not received any payment for their work since January, and Rutgers has indicated their graduate students may not be able to continue working on the project. That would further compromise our ability to reach the R33 phase, given the expertise those individuals have developed this year.

29. I have repeatedly raised concerns to administrators at Columbia about the delay in issuing the Notice of Award. On April 23, 2025, an individual in Columbia's Sponsored Projects Administration (SPA, the office that manages the university's grants) confirmed in an email that they "have seen a definite sharp decline in receipt of new and non-competing continuation NIH [notices of award] in SPA."

30. On April 25, 2025, I was forwarded an email sent by Columbia's Dean of Science that described situations like mine and asked faculty for help compiling additional information. The message states: "I'm writing about an emerging issue with NIH grants that I'll need timely help with from those of you with NIH grants in your departments. This regards non-cancelled, still-active NIH grants. PIs have been submitting their annual non-competing renewal progress reports, and NIH Program Officers have been reviewing and approving them. However, NIH has not been extending the end dates or issuing notices of awards (NOAs) for these grants, and there is no indication that end dates will be extended or NOAs issued on any reasonable timescale. Thus, these grants are effectively cancelled."

31. I am greatly concerned that NIH has effectively terminated our research project without notice and does not plan to issue additional funding. The cancellation of this project would be a profoundly disappointing loss to the field, given the innovative technology we are working to develop, its potential to improve fundamental understanding of brain–behavior relationships, develop novel diagnostic and therapeutic interventions for anxiety and memory

disorders, and other potential applications as an accessible platform for studying complex human internal states, behavior, and cognition in real-world environments.

32. I understand the government claims to have terminated other research grants to Columbia because of antisemitism on campus. Terminating my project on that basis would make no sense. I am Jewish, as are two of my co-principal investigators. Ending this project will directly harm all of us, as well as the patients who could benefit from the research, and will do nothing to prevent antisemitism or protect Jewish students on campus.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of May 2025.

Joshua Jacobs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Jamie Daw

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF JAMIE DAW

I, Jamie Daw, hereby declare as follows:

1. I am an Assistant Professor of Health Policy and Management at Columbia University's Mailman School of Public Health.

2. I have a B.H.Sc. from McMaster University, an M.Sc. from the University of British Columbia, and a Ph.D. from Harvard University.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. I am a quantitative health services and policy researcher. I study the intersection of health policy and maternal health, focusing specifically on how policies affect the barriers faced by reproductive-aged and pregnant women in accessing health services. One of the ultimate goals of my work is to inform policy changes that will reduce maternal and infant mortality in the United States.

6. A significant portion of my research portfolio is funded by the National Institutes of Health (NIH). In recent years, NIH's priorities have included funding projects that focus on improving maternal and infant health.

7. In 2023, NIH called for proposals to study integrated models of care that could improve pregnancy outcomes and reduce racial and ethnic disparities in maternal mortality and morbidity and other adverse outcomes. Along with my co-investigators, I submitted a proposal to study the recent implementation of Medicaid-supported doula programs in New York. After a competitive review process, we received a Notice of Award in June 2023. Columbia is the prime awardee, and I am one of the principal investigators on the project.

8. The project aims to study whether doula care during pregnancy, delivery, and postpartum improves recommended maternal health care use and health outcomes. We are conducting this research by evaluating the experience in New York, where the state's Medicaid program recently began reimbursing for doula care. We intended the project to have two main components: (1) an empirical evaluation of the policy's impact on health care use and health outcomes, and (2) a qualitative evaluation of the policy's implementation, including implementation challenges. This work would inform policymaking in New York and the many other states that are considering similar Medicaid policy changes.

9. The project involves a collaboration with several partner institutions and organizations, including Tulane University, New York University, the New York Department of Health and Mental Hygiene, and community-based doula organizations. These kinds of partnerships take considerable time and effort to develop, but they are critical to ensuring that our research evaluates these programs accurately and meets the highest standards of rigor. This project, for example, requires the ability to speak directly with doula providers to understand what is happening on the ground. It also requires the ability to empirically analyze Medicaid data that only the state can provide.

10. Across Columbia and our partner institutions, approximately 19 people were working on the project. Thirteen of those people received at least some salary support from the grant.

11. The project is intended to last five years, and we had just completed the second year working on the project. We just received approval to use the state Medicaid data in April 2025 and were about to begin field interviews with doulas, community-based doula organizations, and hospital staff.

12. On March 10, 2025, I received notice from Columbia that the grant funding this project had been terminated by NIH. I still have not received a revised Notice of Award that reflects the termination, but I understand that both Columbia and NIH consider the grant terminated. Columbia issued a stop-work order directing us to immediately cease work on the project and instructing us to notify all subwardees that the grant had been terminated by NIH.

13. Our partner organizations expressed significant disappointment when we notified them the grant had been terminated. These organizations had contributed considerable time and resources to develop the project, expected to receive financial support from the grant, and are now facing significant uncertainty about the future of the project. This has created particular challenges for the New York Department of Health and Mental Hygiene, which had recently hired a staff member on the expectation that they would be fully funded by the grant for years. That person is very likely to lose their position if the grant is not reinstated soon. Even if the grant were eventually restored, I worry it would be very difficult to reassemble this group of partner organizations and complete the project with the rigor that was originally planned. Further, even if reinstated, the pause of this research will also result in delays in producing timely scientific results that could inform active state policymaking around the decision to reimburse doula care in their Medicaid programs.

14. The consequences of abruptly terminating this grant extend far beyond the project. If Columbia is no longer seen as a trusted partner by community organizations, it will

severely jeopardize our ability as an institution to conduct the community-oriented, collaborative research that is critical in the public health field.

15. These consequences are exacerbated by the fact that some of the same community organizations were also involved in other projects that have been abruptly terminated by the government. For example, the Maternal Health Research Center of Excellence at Columbia had worked to develop relationships with some of the same doula organizations involved in my project, as well as other collaborator institutions. I am a co-investigator on the NIH grant that funded the Center. NIH also terminated that grant, and, to my knowledge, the grant has not been reinstated.

16. NIH funding is particularly important for this type of research and cannot be replaced by private funding. Private sources of funding, such as foundations, generally do not fund research at the scale that NIH does; that scale is particularly important for supporting complex, collaborative team-based research projects which bring together leading experts and key stakeholders to answer important questions relevant to public health. NIH also generally grants longer-term awards, allowing researchers to pursue more ambitious projects than those that can be achieved in a short period of time. NIH funding is also designed to support science at the highest levels of academic rigor; grant applications like mine are peer-reviewed in a rigorous process, ensuring that the agency funds only the best science as determined by the scientific community. Private foundations generally do not have the same peer-review process and typically award grants based on their specific priorities at the time. NIH funding is therefore critical to support research that is driven and evaluated by the scientific community, and thus, which has the highest potential to lead to improvements in the health of Americans.

17. I fear the government's mass termination of grants to Columbia will have significant and irreversible long-term consequences for Columbia and for academic research generally. These actions will damage our ability to recruit students and others who have historically come to Columbia to be part of an innovative research and training environment. I have heard that many of those prospective students and researchers are now worried not only

about the future of scientific, medical, and public health research generally, but also more specifically about the risk that Columbia's research funding will continue to be targeted.

18. More generally, I believe the government's actions pose a serious and unprecedented threat to the pursuit of science for science's sake – the pursuit of "fundamental knowledge" that defines the NIH mission. NIH has historically set broad priorities for scientific research and has not been perceived as political. I am aware of the demands the government made to Columbia in March as "preconditions" for Columbia receiving any future federal funding. The government now appears to be using its financial leverage over us as NIH-funded scientists to compel broader changes in the university that have nothing to do with our research. Many researchers are considering whether there are ways to reframe or reorient their work to avoid termination, even if those changes would not be helpful for scientific advancement. This is a profound and alarming shift in academic research.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of May 2025.



Jamie Daw

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Abigail Greenleaf

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

DECLARATION OF ABIGAIL GREENLEAF

I, Abigail Greenleaf, hereby declare as follows:

1. I am an Assistant Professor of Population and Family Health at Columbia University. My primary affiliation is with ICAP, a global health center at the School of Public Health composed of researchers and health professionals. I have been an Assistant Professor at Columbia since 2021.

2. I have a B.S. from George Washington University, a Master of Public Health (MPH) from Columbia University, and a Ph.D. from Johns Hopkins University.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. I am a public health demographer. My research focuses on collecting cell phone-based data in low- and middle-income countries where using cell phones to survey populations is an increasingly viable methodology.

6. In 2022, I applied for and in 2023 received a K01 grant from the Eunice Kennedy Shriver National Institute of Child Health and Human Development, a component of the National Institutes of Health (NIH). K01 grants are called "Mentored Research Scientist Career Development Awards." As NIH explains, their purpose is "to provide support and protected time for an intensive, supervised career development experience in the biomedical, behavioral, or clinical sciences leading to research independence."[1] The term of a K01 grant is five years.

7. The specific project funded by my K01 grant involves collecting data on contraceptive use and HIV-prevention behaviors among young women in Eswatini, the country with the highest HIV prevalence rate in the world. Since receiving the grant, I have recruited more than 300 participants to the study. I have been collecting biweekly data from these participants for more than a year, calling young women on cell phones and asking questions about their sexual activity and contraceptive use. By contacting participants on their cell phones rather than relying on face-to-face data collection (the predominant approach to data collection in sub-Saharan Africa), I am able to collect long-term, high-volume data that will lead to new insights about young women's sexual and reproductive health. The ultimate goal of the research is to inform policymaking to address the high rates of undesired pregnancies and HIV incidence in this vulnerable age group.

8. I applied for this K01 grant to support both my short-term and long-term career development goals. In the short term, I am interested in understanding contraceptive dynamics in a country with high HIV prevalence, particularly among young women. That is a priority population for efforts to improve global sexual and reproductive health. In the long term, I aim to make significant scholarly contributions to the field of sexual and reproductive population studies. The project funded by the grant helps me achieve that goal in several ways, as it allows me to develop skills in advanced statistical methods, to gain expertise in HIV prevention and risk, and to be trained in relevant sociology theories.

[1] https://researchtraining.nih.gov/programs/career-development/K01

9. On March 10, 2025, I received notice from Columbia that my K01 grant had been terminated. I have not received a formal notice from NIH reflecting the termination, but I understand that it was on the list of NIH-terminated grants provided by the government to Columbia.

10. I am greatly concerned about the impact that terminating this project would have on the research participants and their willingness to enroll in future research studies. I have been speaking with these young women every two weeks for more than a year and asking them highly sensitive questions. Abruptly stopping a study like this erodes participants' trust and contributes to increased skepticism of medical research more broadly. The uncertainty about future grant funding exacerbates my concerns. In my opinion, it raises significant ethical problems to enroll patients in research studies that we cannot commit to completing.

11. The termination of my K01 grant has also caused me considerable personal stress due to concern about job loss. I believe this job stress contributed to a failed egg retrieval cycle shortly after I learned about the termination, and my doctor agreed that was likely the case.

12. As explained, a major purpose of this type of grant is to provide me with protected research time that will help support my long-term career goals. As stipulated in the Notice of Award, 75% of my time is dedicated to the project funded by the K01 grant. More than half of my salary is covered by the grant. Columbia is temporarily covering that portion of my salary during the immediate interim period while it considers next steps, but it is not clear how long that will extend. I still had three years remaining on the grant term. Columbia has not committed to cover my salary for that entire period.

13. It will be very hard to find alternative sources of funding to cover my salary. I am not aware of sources of private funding (as opposed to NIH) that allow for the same kind of dedicated research time for early-stage investigators for the subject matter I study. Although I hope to avoid this outcome, if federal funding is not restored, it is possible I will lose my job and have to leave the field entirely.

14. At minimum, the loss of the grant means I will no longer have the protected research time to develop my skills as a scientist. I also will not have dedicated funding to participate in professional development activities, such as academic conferences, that would help advance my career as an independent investigator. I now am no longer permitted to use my grant funds for conferences. I paid out of pocket to attend the Population Association of America's annual meeting in Washington, D.C. in April 2025. If federal funding is not restored, I will very likely be unable to attend the International Union for the Scientific Study of Population's (IUSSP) International Population Conference, which will be held in Australia in July 2025. That means I will be deprived of important opportunities to build connections and learn from researchers, policymakers and practitioners with expertise in my field.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8 day of May 2025.



Abigail Greenleaf

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS and AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF JUSTICE, PAMELA BONDI, LEO TERRELL, UNITED STATES DEPARTMENT OF EDUCATION, LINDA MCMAHON, THOMAS E. WHEELER, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ROBERT F. KENNEDY, JR., SEAN R. KEVENEY, NATIONAL INSTITUTES OF HEALTH, MATTHEW J. MEMOLI, UNITED STATES GENERAL SERVICES ADMINISTRATION, STEPHEN EHIKIAN, and JOSH GRUENBAUM,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/20/2025

25-cv-2429 (MKV)

ORDER DENYING REQUESTS TO SEAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiffs the American Association of University Professors ("AAUP") and the American Federation of Teachers ("AFT") bring this action seeking an injunction requiring Defendants to pay out to non-party Columbia University approximately $400 million in previously-allocated taxpayer funded grants [ECF Nos. 1, 25], among other relief. In connection with their motion for a preliminary injunction, Plaintiff have filed several sets of exhibits provisionally under seal [ECF Nos. 34–43; ECF Nos. 45, 45-1; ECF Nos. 107–112]. For the reasons set forth below, the requests to maintain those exhibits under seal [ECF Nos. 33, 44, 58, 61, 106] are DENIED.

1. Columbia's Request To Seal the Dubal Declaration and Exhibit A

Plaintiffs filed *ex parte* and provisionally under seal the Declaration of Veena Dubal, who serves as General Counsel for AAUP, and an exhibit entitled Exhibit A [ECF Nos. 45 ("Dubal Decl."), 45-1 ("Exhibit A")]. Exhibit A is an email and attached form which Columbia's Office of the General Counsel sent, unsolicited, to members of the Columbia faculty and staff concerning the termination of federal grants. *See* Dubal Decl. ¶ 6; Exhibit A. Both the email and attached form state that the documents are confidential, subject to attorney-client privilege, and should not be shared with anyone outside of Columbia's Office of the General Counsel. *See* Exhibit A at 1–3. However, according to Dubal, "multiple" recipients of the email and attachment were members of AAUP who forwarded the documents to Dubal. Dubal Decl. ¶ 4.

Although Plaintiffs filed the Dubal Declaration and Exhibit A *ex parte* and provisionally under seal, Plaintiffs simultaneously filed a letter requesting leave to unseal those documents and file them on the public docket [ECF No. 44]. Plaintiffs argue that Exhibit A is not a privileged attorney-client communication, since the recipients of the email and attachment who forwarded the documents to Dubal "had not sought legal counsel from the Columbia Office of the General Counsel" and "did not understand themselves to have any sort of attorney-client relationship with that office." Dubal Decl. ¶ 6; *see id.* ¶ 4.

Counsel for The Trustees of Columbia University in the City of New York ("Columbia") appeared in this action for the limited purpose of urging the Court to maintain Exhibit A, and all submissions concerning Exhibit A, under seal [ECF Nos. 58, 59]. Columbia argues that Exhibit A is protected by the attorney-client privilege and should be sealed or redacted even if the privilege does not apply. Plaintiffs thereafter filed letters in further support of their request to unseal the Dubal Declaration and Exhibit A [ECF Nos. 61, 62, 63].

As the Second Circuit has long affirmed, the strong presumption of public access to judicial documents is fundamental to our system of justice. *See Mirlis v. Greer*, 952 F.3d 51, 58 (2d Cir. 2020); *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006); *United States v. Amodeo*, 71 F.3d 1044, 1048 (2d Cir. 1995) ("*Amodeo II*"); *United States v. Amodeo*, 44 F.3d 141, 145 (2d Cir. 1995) ("*Amodeo I*"). Pertinent here, attorney-client privilege "suffices to defeat the presumption of access." *Lugosch*, 435 F.3d at 125. "The party asserting the privilege . . . bears the burden of establishing its essential elements." *United States v. Mejia*, 655 F.3d 126, 132 (2d Cir. 2011). Columbia cannot meet that burden with respect to the widely-shared email and attachment in Exhibit A.

"The attorney-client privilege protects communications (1) between a client and his or her attorney (2) that are intended to be, and in fact were, kept confidential (3) for the purpose of obtaining or providing legal advice." *Mejia*, 655 F.3d at 132. As Columbia concedes, there is no attorney-client relationship between Columbia's Office of the General Counsel and the faculty and staff to whom that office sent Exhibit A [ECF No. 59 at 1]. Moreover, Exhibit A clearly was not kept confidential, since multiple recipients sent it to Dubal. *See* Dubal Decl. ¶ 4.

Citing *Upjohn Co. v. United States*, 449 U.S. 383, 394–97 (1981), Columbia argues that it may nevertheless assert privilege on the ground that Columbia's Office of the General Counsel was communicating with faculty in their capacity as "lower-level employees" of its client, Columbia, in order to collect information necessary to provide legal advice to Columbia [ECF No. 59 at 1]. However, *Upjohn* holds that an employee in such a circumstance must be "sufficiently" warned that the purpose of the communication is to provide legal advice to the corporate client, rather than to protect or advise the employee. *Upjohn*, 449 U.S. 394. Exhibit A does not contain such sufficient warning.

Rather, Exhibit A is largely framed as an offer to assist the faculty and staff to whom it was sent. The subject line of the email is "Time-Sensitive: Potential Appeal of Termination of *Your* Award(s)." Exhibit A at 1 (emphasis added). Similarly, the opening paragraph of the email states: "Many of you have asked how you can help with a potential appeal of the termination of your award(s)." *Id.* Exhibit A also suggests that Columbia's Office of the General Counsel is deferring to the faculty on whether they "wish to pursue an appeal." *Id.* As Columbia points out, the email does mention that Columbia is assessing "strategies . . . to restore the University's federal research portfolio" and may need "help" from the faculty to prepare timely appeals. *Id.* However, there is no clear *Upjohn* warning that the purpose of the communication is advise Columbia, in contrast with the faculty. As such, Columbia has not carried its burden to establish the privilege it seeks to assert. *See Mejia*, 655 F.3d at 132.

Columbia argues that, even if the privilege does not apply, the Dubal Declaration and Exhibit A should be sealed on the ground that they are not judicial documents [ECF No. 58 at 2]. Columbia is incorrect. The Dubal Declaration and Exhibit A are "relevant to the performance of the judicial function" in this lawsuit, in which there is significant public interest. *Mirlis*, 952 F.3d at 59 (quoting *Amodeo I*, 44 F.3d at 145). As such, the documents are subject to "a potent and fundamental presumptive right of public access" that "is not easily overcome." *Id.* at 58, 67. Columbia has not identified countervailing interests to overcome the right of public access.

2. Plaintiffs' Request To Seal Various Declarations

While vigorously opposing the sealing of the Dubal Declaration and Exhibit A, Plaintiffs seek to leave file entirely under seal fourteen declarations and redact another declaration in support of their motion for a preliminary injunction [ECF Nos. 33, 106]. The declarants are "professors and students" who, Plaintiffs contend, "fear they will be subjected to retaliation and harassment if

their participation in this case is made public" [ECF No. 33 at 1; *accord* ECF No. 106 at 1]. Plaintiffs broadly assert that "[i]ndividuals perceived to be critical of the Trump administration" are "often" harassed, citing three news articles that have nothing to do with this case [ECF No. 33 at 3 & n.3–4; *accord ECF* No. 106 at 2 & n.3–4].

As explained above, and as Plaintiffs recognize when seeking to unseal documents, the public has a presumptive right to inspect documents that form the basis of judicial decisions. *See Mirlis*, 952 F.3d at 58; *Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 142 (2d Cir. 2016). As such, the Second Circuit has instructed district courts to "skeptically review sealing requests" to determine whether "there really is an extraordinary circumstance or compelling need" for sealing. *In re Orion Pictures Corp.*, 21 F.3d 24, 27 (2d Cir. 1994). To be sure, countervailing interests such as the privacy of innocent third parties may overcome the presumption of public access. *See Mirlis*, 952 F.3d at 61; *Amodeo II*, 71 F.3d at 1050. However, mere speculation that members of the public may behave badly is not sufficient, irrespective of the imputed political leanings of the speculative antagonists. The declarants in question are under no obligation to "participat[e] in this case" if they do not wish to provide information on the public record. Indeed, much of the information Plaintiffs seek to submit under seal appears cumulative. *See United States v. Donato*, 714 F. App'x 75, 76 (2d Cir. 2018); Fed. R. Evid. 403.

Accordingly, for the reasons set forth above, IT IS HEREBY ORDERED that the Dubal Declaration, Exhibit A, and the letters concerning the sealing of those documents shall be filed on the public docket by the close of business on May 23, 2025.

IT IS FURTHER ORDERED that, by the close of business on May 23, 2025, Plaintiffs shall either withdraw the declarations at ECF Nos. 34–43 and 107–112, or file those declarations on the public docket.

The Clerk of Court respectfully is requested to terminate the motions pending at docket entries 33, 44, 58, 61, and 106.

SO ORDERED.

Date: May 20, 2025
New York, NY

MARY KAY VYSKOCIL
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE, *et al*.

Defendants.

Case No.: 1:25-cv-02429-MKV

DECLARATION OF MATTHEW MURRAY IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Matthew Murray, hereby declare as follows:

1. I am an attorney at the law firm Altshuler Berzon LLP in San Francisco, CA, and am a member of the State Bar of California. I am co-counsel for Plaintiffs in this matter, and have been admitted to practice *pro hac vice* in this case. I make this statement based on personal knowledge, and if called as a witness could and would testify competently thereto.

2. This declaration is submitted in support of Plaintiffs' Motion for a Preliminary Injunction.

3. Attached hereto as **Exhibit A** is a true and correct copy of the following U.S. Department of Health and Human Services press release posted yesterday, May 22, 2025: *HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law* (May 22, 2025), downloaded from https://www.hhs.gov/press-room/ocr-columbia-violates-federal-civil-rights-law.html.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 23, 2025

Signed: */s/Matthew Murray*
Matthew Murray
Counsel for Plaintiffs

Exhibit A

An official website of the United States government

U.S. Department of Health and Human Services
Enhancing the health and well-being of all Americans

FOR IMMEDIATE RELEASE
May 22, 2025

Contact: HHS Press Office

202-690-6343
Submit a Request for Comment

HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law

Extensive Investigative Findings Conclude that Columbia University Violated Title VI by Showing Deliberate Indifference to the Hostile Environment Faced by its Jewish Students

Today, the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) announced that Columbia University violated Title VI of the Civil Rights Act of 1964 (Title VI) by acting with deliberate indifference towards student-on-student harassment of Jewish students from October 7, 2023, through the present.

OCR enforces Title VI, which prohibits a recipient of Federal financial assistance from discriminating in its programs and activities on the basis of race, color, or national origin, which includes discrimination against individuals that is based on their actual or perceived Israeli or Jewish identity or ancestry. OCR's Notice of Violation articulates extensive factual findings that span a period of over 19 months in which the University continually failed to protect Jewish students. The findings are based on information and documents obtained during the investigation, including witness interviews; examination of written policies and procedures; reliable media reports that contemporaneously capture antisemitic incidents and events at Columbia University; and reports from Columbia University's own Task Force on Antisemitism.

"The findings carefully document the hostile environment Jewish students at Columbia University have had to endure for over 19 months, disrupting their education, safety, and well-being," said Anthony Archeval, Acting Director of the Office for Civil Rights at HHS. "We encourage Columbia University to work with us to come to an agreement that reflects meaningful changes that will truly protect Jewish students."

The Notice of Violation comprehensively explains the ways in which Columbia University acted with deliberate indifference with regard to the hostile environment created by some of its students. For example, the University failed:

- To establish effective reporting and remediation mechanisms for antisemitism until the summer of 2024,
- To properly abide by its own policies and procedures when responding to Jewish students' complaints,
- To abide by its only policies and procedures governing student misconduct against Jewish students,
- To investigate or punish vandalism in its classrooms, which include the repeated drawing of swastikas and other universally recognized hate images, and

- To enforce its time, place, and manner restrictions for protests held on campus, such as inside and around its academic buildings, residence halls, and libraries since October 7, 2023.

OCR's Notice of Violation to Columbia is jointly issued and signed by the U.S. Department of Education's Office for Civil Rights. This action demonstrates the Administration's commitment to address "anti-Semitism vigorously, using all available and appropriate legal tools[] . . . [to address] unlawful anti-Semitic harassment and violence," as expressed in President Trump's Executive Orders, Combatting Anti-Semitism <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism> (Dec. 11, 2019) and Additional Measures to Combat Anti-Semitism <https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/> (Jan. 29, 2025).

Today's announcement is part of a broader effort by the Administration's multi-agency Joint Task Force to Combat Anti-Semitism <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>.

If you believe that you or someone else has been discriminated against because of race, color, national origin, disability, age, sex, or religion in programs or activities that HHS directly operates or to which HHS provides Federal financial assistance, you may file a complaint with the HHS Office for Civil Rights at: https://www.hhs.gov/civil-rights/filing-a-complaint/index.html </civil-rights/filing-a-complaint/index.html>

Follow HHS OCR on X (formerly Twitter) at @HHSOCR <https://x.com/hhsocr>.

###

Note: All HHS press releases, fact sheets and other news materials are available in our Press Room </press-room/index.html>.
Like HHS on Facebook, follow HHS on X @HHSgov <https://x.com/hhsgov>, @SecKennedy <https://x.com/seckennedy>, and sign up for HHS Email Updates <https://cloud.connect.hhs.gov/subscriptioncenter>.
Last revised: May 22, 2025

Submit a request for comment

For media inquiries, please submit a request for comment.

Sign up to receive our press releases

Sign Up

Related Press Releases

HHS' Civil Rights Office Clarifies Race-Based Prohibitions for Medical Schools to Advance Values of Initiative, Hard Work, and Excellence </press-room/guidance-med-schools-dear-colleague-letter.html>

MAY 6, 2025 | PRESS RELEASE

Task Force to Combat Anti-Semitism Statement Regarding Yale's Actions </press-room/anti-semitism-task-force-statement-on-yale.html>

APRIL 24, 2025 | PRESS RELEASE

HHS Office for Civil Rights Works with Alabama to Help Young Adult with Autism Move from a State Institution to a Home in the Community </press-room/ocr-olmstead-resolution-alabama-department-mental-health.html>

APRIL 4, 2025 | PRESS RELEASE

Content created by Office for Civil Rights (OCR)
Content last reviewed May 22, 2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Ezra Susser (Witness B)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF EZRA SUSSER

I, Ezra Susser, declare as follows:

1. I am a Professor of Epidemiology and Psychiatry at the Mailman School of Public Health.

2. I have been at Columbia for about 35 years, and I used to be the chair of the epidemiology department.

3. I received my Bachelor of Arts (BA) from Columbia University in 1974, my Master of Public Health (MPH) from Columbia University in 1982, and my Doctor of Public Health (DrPH) from Columbia University in 1992.

4. My research focuses on mental health disorders, like schizophrenia. My research has examined the role of early life experience in health and disease throughout the life course and has sought to uncover the developmental origins of psychiatric and neurodevelopmental disorders such as schizophrenia, autism and ADHD, as well as other complex diseases.

5. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

6. I am a member of AAUP and AFT.

7. My position depends significantly on grant funding, and the vast majority of grants that I receive are federal grants.

8. I have had several grants terminated. I am the lead or co-lead on two of the terminated grants. There is at least one more terminated grant on which I was a researcher but was not the lead or co-lead.

9. The grant on which I am listed as the principal investigator (PI) at Columbia is an NIH grant that funded a large project to study the genomics of schizophrenia.

10. The National Institutes of Health (NIH) sent to Columbia, who then forwarded to me, a notification from NIH that the grant was terminated. The notice stated, "This project has been terminated due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students."

11. This project, which was done in partnership with the University of Washington and the University of Cape Town, focused on the Xhosa population of South Africa. We worked with that community because there is more genetic variety in Africa than on any other continent, and thus the results of this genomic study would have critical implications for an understanding of schizophrenia around the world, including in the US.

12. This project has been funded by NIH for more than 10 years, and the team would have finished the genomic sequencing required for the analysis of the data in just about one more year. We could have finished at least a basic genomic analysis in just about one year; and could have completed it all within two years under a no cost extension which we expected to be granted by the agency, because that would not have required new funds from the agency but rather saving funds to spend in the following year.

13. The project is now stopped. This cuts off federal funding to complete the analysis of the data, including the completion of the genomic sequencing. Without this funding, we won't be able to draw any more conclusions about schizophrenia. We won't be able to share our findings with the scientific community and with the world. Years and years of hard work are basically lost.

14. The cessation of this research represents a huge loss to my research and to the understanding of schizophrenia. No other research group is poised to step into this critical research. Whether or not it will ever be completed is now uncertain because of this funding termination. It won't be completed unless we find alternative funding from somewhere, and at this juncture, it doesn't seem likely that we will find that funding.

15. I coordinated the project and my team played the central data management role. Funds are not available at other sites for others to assume this role.

16. The termination in grant funding and resulting halt of the work also breaks the relationship of trust between me and my collaborators outside of Columbia University, and that harm would persist even if this project were to restart. It is also detrimental to this my reputation and overall work.

17. The grant supported a subcontract to a researcher at the University of Pennsylvania and their team. Because of this grant termination, their funding has also stopped.

18. The grant also partially supported my salary and the salaries of five other team members at Columbia University. Over time, the grant has supported about 20-25% of my salary.

19. The total funding amount for the project for 2025 was $447,238.

20. Without funding, I will likely need to lay off at least one but probably several people from this team. That will be a loss of expertise and knowledge for the project, even if this project could be re-continued in the future.

21. I was also the co-lead on a grant that funded a training program that has been in existence continuously since 1972 and that trained many of the leaders in psychiatric epidemiology in the country.

22. Another AAUP/AFT member is a faculty member in the Mailman School of Public Health and is also a co-lead of this training program.

23. The leads of the program received notice from Columbia University that the federal funding for this training grant has stopped.

24. The loss of such a training grant is a loss of the ability to train the next generation of psychiatric epidemiologists. Training the next generation has been an important part of my career.

25. There were three post-docs in the program, and they now have no guarantee of funding from the federal government.

26. None of the work funded by these two grants was related to the Israel/Palestine conflict. Neither program has faced any investigation or complaint related to antisemitism. If the government had started an investigation into my programs, I am sure they would have found that

there is no antisemitism in my programs. Moreover, a large proportion of the investigators are Jewish. If any investigation had been started on a legal basis, I would have participated, I would have participated in any official investigation for my programs as appropriate under the law.

27. The training program has trained many students from Israel, including some of the leaders in the field in Israel. The training program has had relationships with Israeli institutions. We also have relationships with researchers from other countries, and do not have a specific policy favoring collaboration with any one country over others. The Israeli collaborations evolved naturally from our faculty connections, as did other collaborations.

28. I am Jewish. Many of the students in the training program have been Jewish.

29. Overall, the funding withdrawals by the federal government create enormous uncertainty about the future of my research. Since scientific research typically involves long-term multi-year commitments, the funding withdrawal irrevocably complicates the planning necessary to undertake this work.

30. I find it very distressing. It has been such a shock. It hurts to lose the work I've done. It hurts to watch my colleagues, who have also lost grants, in such distress and uncertainty.

31. Being forced to stop this work also hurts the legacy of my parents, who were among the legendary founders of the field of epidemiology after World War II. They devoted much of the first half of their lives opposing apartheid in South Africa and much of the second half of their lives building up the field of epidemiology in South Africa. I too devoted much of my career to epidemiology, mainly but not only psychiatric epidemiology, in the United States, in South Africa and in other regions of the world. Now the grant terminations are jeopardizing the future of psychiatric epidemiology.

32. The harm to the field of epidemiology will also harm our community health in general. It creates a risk of infectious diseases returning and spreading.

33. I understand that Title VI and its implementing regulations require the government to provide notice and opportunity for a hearing, followed by a finding on the record, before terminating federal funding to any program or part thereof based on a violation of Title VI. I was not provided any such notice, and I am not aware of any such notice having been provided or any such hearing occurring prior to the termination of $400 million in federal funding to Columbia.

34. I also feel chilled in my speech. Personally, even though I want to try not to restrict what I say, I still feel like I need to be more careful in what I say in teaching and around the university. I wouldn't just go out and say things without worry like in the past.

35. For example, I teach a class that is about the history of epidemiology. It includes a lot of social history and topics like race, sex, and social injustices. It is designed to help students think about the present and identify their own biases through the lens of a history that they were previously not aware of. I feel like I need to be more careful as I teach about these subjects now.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 3/30/25

Signed: _____

Ezra Susser

Professor of Epidemiology and Psychiatry

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Joseph Slaughter (Witness C)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. et al., Defendants.	**Case No.1:25-cv-02429-MKV**

Declaration of Joseph R. Slaughter

I, Joseph R. Slaughter, declare as follows:

1. I am an Associate Professor of English and Comparative Literature at Columbia. I am also the Director of the Institute for the Study of Human Rights ("ISHR") at Columbia. I have been a member of the Columbia faculty since 2000.

2. I have a PhD in English, specializing in Ethnic and Third World Literatures, from the University of Texas at Austin. My research and teaching explore ways in which literature intersects with social justice, human rights, and international law.

3. The ISHR offers students an interdisciplinary human rights education, fosters innovative academic research, and offers its expertise in capacity building to human rights leaders, organizations, and universities around the world. Students and faculty at ISHR regularly engage in difficult research and discussion involving fraught political topics including using history in

genocide prevention, indigenous peoples' rights, and a broad range of international human rights abuses.

4. Faculty regularly teach courses related to armed conflict, minority rights, and international law, including in areas such as Israel and Palestine. For example, recent course offerings include "War, Gender and Migration," "Refugees, Forced Migration, and Displacement," "The Law of Genocide," "Humanitarian Law and Human Rights in Global Challenges," "Gender-Based Violence and Human Rights," and "Religion and Human Rights."

5. I am a member of the American Association of University Professors ("AAUP") and the American Federation of Teachers ("AFT").

6. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge. I am aware that the current administration has taken a series of actions targeting Columbia. In particular, I am aware that on February 3rd, 2025, the U.S. Department of Education announced an investigation into Columbia. I am aware that on February 28, the federal Task Force to Combat Anti-Semitism announced that it would visit the Columbia campus. I am aware that on March 3, 2025, several federal agencies announced that they would review funding to Columbia. I am aware that on March 7, 2025, several federal agencies announced $400 million in grant cancellations to Columbia, and stated that that "[t]hese cancellations represent the first round of action and additional cancellations are expected to follow." Most recently, I am aware that on March 13, 2025, officials from the General Services Administration (GSA), the Department of Health and Human Services (HHS), and the Department of Education (ED) sent a letter to Columbia that was made public, and demanded that Columbia immediately take a long list of actions as a precondition of further negotiations regarding federal

funding. I am aware that Columbia announced the adoption of numerous of these policy demands on March 21, 2025.

7. It is my perception and belief that the March 7 funding cancellation and March 13 policy demands have already had a substantial impact in terms of chilling speech on campus and that the challenged actions are already stifling classroom discussion and participation, event programming and external speaker visits, as well as research work by students and faculty.

8. Students have grown scared to speak in class, even on topics that are only tangentially related to current controversial issues. Open discussion in seminars has already been chilled, and students have said they are concerned about being surreptitiously recorded by others or even speaking first when a question is posed to the class. One student from Eastern Europe compared the current chill in Columbia classrooms to their experience studying in Russia. Students have told me that other professors do not talk about contemporary events occurring on campus or in the U.S. and have asked students not to talk about them in class. Attendance is down in many classes, and some students have confided that they are scared to come to campus and to class for fear of surveillance or worse. Many students have told me that they are self-censoring in their courses, concerned that they might unwittingly say something that could run afoul of the administration. Multiple students have said that they have changed a research topic for a seminar paper or a thesis out of fear.

9. Numerous faculty colleagues have also expressed fears of speaking openly in their classrooms, for fear of running afoul of the administration or of the University trying to placate the administration. Faculty now routinely express fear of being surreptitiously recorded and/or reported by students for saying something that might be misrepresented as offensive in the current climate. A number of faculty, students, and scholars on campus have already been recorded

secretly by students or university staff. Those recordings have been shared with members of Congress and the administration, recirculated in doxing posts on social media, fed to unscrupulous news outlets, and used to file spurious claims of harassment to university administrators. Emails and course postings from classes have similarly been used, and faculty have made decisions to restrict communications with students or to protect student privacy and welfare by disabling online group conversations through course websites. For example, I have restricted access to course materials that in the past I always opened to the entire university community, and I have deleted old course materials in an effort to protect students from unwarranted interference or scrutiny in their education. Departments and Institutes have cancelled events that might be perceived in the current climate as controversial, and faculty and outside scholars have cancelled or substantially altered topics for scholarly talks out of fear. Events that once would have been open to the public are now often limited to invitation-only or strict preregistration.

10. I am deeply concerned that in the future my colleagues, students, or I will be targeted for research work disfavored by the administration or for statements made in the course of regular teaching or routine academic discussions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 31 March 2025

Signed: 

Joseph R. Slaughter
Associate Professor of English
& Comparative Literature

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Joel Swanson (Witness D)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE et al., Defendants.	Case No. 1:25-cv-02429 **DECLARATION OF JOEL SWANSON IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, Joel Swanson, declare as follows:

1. I am Assistant Professor of Jewish Studies in the Religion Department of Sarah Lawrence College, a private liberal arts college in Yonkers, New York. I joined the faculty of Sarah Lawrence in September 2024. Previously I was a lecturer at The University of Illinois, Chicago, where I taught Jewish history and continental philosophy or religions.

2. I earned both a doctoral and masters degree from The University of Chicago, and a bachelors degree from Swarthmore College.

3. I am a member of American Association of University Professors and American Federation of Teachers.

4. My scholarship focuses on modern Jewish intellectual history, drawing on both philosophical and literary sources. I am particularly interested in questions of trauma and Jewish collective memory; racialization, gender identity, and the Jewish body; tensions between religious, ethnic, and national understandings of Jewish identity; and how the history of the

Jewish people complicates and challenges the structures of philosophical universalism and the modern nation-state.

5. As an active member of the Association for Jewish Studies, I have published articles on topics as diverse as Jewish contributions to French deconstruction and psychoanalytic debates; competing Zionist and diasporist politics of memory; German Jewish philosophy; and Yiddish poetry. In addition to my scholarship, I am a widely-published commentator on Jewish political issues in publications such as *Haaretz*, *The Times of Israel*, *The Jerusalem Post*, the J*ewish Telegraphic Agency*, and *The Forward*. I also have served as a researcher for the Leo Baeck Institute in Jerusalem and helped develop resources for a national curriculum on antisemitism education for the Anti-Defamation League.

6. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

My Scholarship and Teaching at Sarah Lawrence & Current Events

7. I am the sole Jewish Studies faculty at Sarah Lawrence. This academic year, I am teaching a lecture on Jewish history from ancient to medieval to modern times, as well as a seminar entitled, The Holocaust in Cultural Memory. These courses cover topics such as what it means to be a modern Jew and how debates about Holocaust remembrance play a role politically in the United States and Europe.

8. My courses attract students who are interested in studying the Jewish people, the modern state of Israel, and the shaping of contemporary Jewish identity. This field of study is necessarily connected to contemporary understandings of antisemitism as well as to contemporary debates about Israel and Palestine.

9. As a scholar, I have engaged with a broad range of political perspectives on Israel and Palestine and with people who disagree widely on the subject. I believe that, as a scholar, it is important to uphold academic freedom apart from one's substantive views on the Israel/Palestine debate. The point of academic freedom is to support open debate and discourse. As a teacher, I strive to create a classroom environment where all perspectives on the subject of Israel and Palestine are welcome and contribute to academic discourse. I am proud that my student evaluations so far reflect my success in this effort, showing that students with views sympathetic to Israel and students with views critical of Israel both feel valued and heard. While I have my own views on the matter, I do not bring them into the classroom, and my students generally do not identify me as associated with one side of the debate or the other.

10. I am aware that the federal government has taken a series of actions targeting Columbia over the last month. In particular, I am aware that in early March, several federal agencies announced that they would review federal funding to Columbia and then cancelled $400 million in grants to Columbia on March 7, 2025. It's my understanding that the federal government presented the $400 million in funding cuts as an initial round of action, with the prospect of additional cancellations at Columbia and at other schools. I am also aware that on March 13, 2025, officials from several federal agencies sent a letter to Columbia that was made public, and demanded that Columbia immediately take a long list of actions as a precondition of further negotiations regarding federal funding. I am aware that Columbia adopted numerous of these policy demands on March 21, 2025.

11. I am also aware that on March 10, 2025, the U.S. Department of Education sent letters to 60 universities and colleges, including Columbia University and Sarah Lawrence

College, warning the schools of potential enforcement actions if they did not fulfill their obligations under Title VI.

12. Given the proximity of Sarah Lawrence College to Columbia University, many of my students spend time on Columbia's campus to connect with students or participate in activities there. Some of my students have joined campus protests at Columbia relating to the war in Gaza. All of my students are generally aware of the actions that the federal government has taken against Columbia over the last month or so.

Chilling Effects on Students

13. Over the last few weeks since the federal government began taking actions against Columbia, I have noticed a dramatic increase in fear and a chilling effect among my students, who have a range of political, ideological, and religious perspectives. Students have told me that they are afraid to express any opinion one way or another on the subject of Israel and Palestine or on the existence of antisemitism on campus because doing so could draw negative press attention and put Sarah Lawrence in the crosshairs like Columbia. There is a sense that our institution could be next, and it is better not to say anything that could be taken the wrong way.

14. Highly concerning to me is that some students are feeling chilled from talking about antisemitism at all, even to express concerns about it. A student said to me recently that they wanted to be able to talk about antisemitism, but they feared that if they did, those statements could put Sarah Lawrence under the eye of the federal government, and that could result in adverse action against the institution and its students. This student told me they thought it was better to just shut up. My pro-Israel students are some of the ones telling me they are most upset about what is happening at Columbia, because it keeps them from talking about real issues of antisemitism for fear that their concerns will be used to hurt the college and their classmates.

In reality, the federal government's crackdown on Columbia is actually silencing speech about antisemitism.

15. In addition, many students are chilled from voicing their opinions on the subject of Israel and Palestine in the classroom. Some students have expressly told me, one on one, that they are holding back from speaking in class. They say it is "too stressful" to have to watch their words so closely – regardless of their viewpoint. They would rather speak up in class when the discussion has moved on to other topics. In the last couple of weeks, my course on modern Jewish history covered the topic of Zionism. Two students told me they skipped those classes and would resume attendance when we moved on to Russian Jewish history because it was less of a minefield.

16. Some students have told me that, based on what their friends at Columbia have experienced, they fear that someone will attend the class who is not enrolled, record the discussion, and make it public in a way that draws negative press and gets everyone in trouble. They are worried that such intrusions could happen in our classroom. In particular over the past week, there has been a real panic among students that the federal government might require the school to disclose information about students, including what they wrote in papers for classes. Some of my students are particularly concerned about putting their foreign classmates at risk.

17. No matter where my students' sympathies lie most heavily in the debate about Israel and Palestine, they say that the people in the federal government who claim to be defending Jewish students against antisemitism are not making their lives better; they are making them harder.

Chilling Effects on My Scholarship and Teaching

18. I myself am experiencing a chilling effect as well. While my own scholarship does not deal directly with Israel and Palestine, it does engage with the topic of Zionism. As a scholar, I feel that I need to watch how I engage with this topic extremely carefully. I always want to present my students with reading materials that demonstrate multiple perspectives. My students have a range of different opinions on that issue. But now, I feel that I could get in trouble and get my institution in trouble if I don't present the material in a way that gets the balance just right from the federal government's perspective. It troubles me to recognize that is affecting how I now present the material and the environment I create for open discourse.

19. For example, when teaching about the topic of Zionism, I have had to change my approach. My approach to teaching is to create an outline of discussion points and then guide an open discussion to evolve in a natural way. On the topic of Zionism, I now feel like I have to write down everything I am going to say and not say anything extemporaneously. I don't feel like I can create an open, flowing discourse on Zionism anymore, like I can with other subjects.

20. In addition, the chilling effect of the Trump administration's crackdown on Columbia University is affecting my choices of what texts I assign my students on my syllabi. When I prepared the syllabus for my course on The Holocaust in Cultural Memory at the beginning of this semester, I considered including post-colonial perspectives on Israel. I held off on including them at the time but remained open to adding them to the syllabus. I often revise my syllabi over the course of the semester as I learn what students are interested in and where the discussions are going. I now fear that I cannot add the post-colonical critique of Israel, even if students are interested in debating it, without getting in trouble and getting my institution in trouble.

21. The chilling effect that I am experiencing in light of what's happening to Columbia over the last few weeks is preventing me from being the independent scholar that I want to be. I now feel that any time I say something on the topic of Israel or Zionism, I do not represent the views of Joel Swanson, the Jewish history scholar. Instead, I represent Sarah Lawrence under the scrutiny of the federal government, and I am responsible for the fate of this institution, my colleagues, and my students. That violates the principle of academic freedom and the commitment to independent thought that I am supposed to bring as a scholar.

22. As a scholar who is committed to academic freedom and who has endeavored to create an inclusive and open environment for my students to learn about Jewish history, including the ways it connects to contemporary debates, I fear that the federal government's actions only serve to destroy academic freedom and independent inquiry, rather than improve conditions for Jewish students on college campuses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 4/1/2025

Signed: Joel N. Swanson

Joel Swanson
Assistant Professor of Jewish Studies
Sarah Lawrence College

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Andrew Geneslaw (Witness K)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF ANDREW GENESLAW

I, Andrew Geneslaw, hereby declare as follows:

1. I am an Assistant Professor of Pediatrics at the Columbia University Irving Medical Center (CUIMC), where I also serve as the Program Director for the Pediatric Critical Care Medicine Fellowship. I have been a member of the Columbia faculty since 2019.

2. I have an Sc.B. in neuroscience from Brown University, an M.D. from Tufts University School of Medicine, and an M.S. in patient-oriented research from Columbia's Mailman School of Public Health.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. As a specialist in pediatric critical care medicine, I care for children of all ages who need advanced levels of care and monitoring in the intensive care unit. My patients can include children with lung disease bad enough to need a ventilator, heart failure, severe

infections that cause dangerously low blood pressure, or organs that no longer work and need to be supported until a transplant can be found. My job is to treat these diseases directly, and to support and coordinate among families, nurses, nutritionists, physical therapists, and other specialist doctors, so that the entire team can maintain the body's delicate balance and allow it to function during a critical illness.

6. In addition to my clinical work, I am the director of the Pediatric Critical Care Medicine fellowship training program at CUIMC. This is a three-year program for doctors who have completed their medical residency in pediatrics and seek additional training in the subspecialty of pediatric critical care. The program accepts 3-4 trainees per year and maintains 11 trainees at any given time.

7. Although it is a clinical training program, all of our trainees are expected to engage in academic research as well. We routinely accept trainees who are interested in becoming physician-scientists—in other words, devoting a significant amount of their career to scientific research in addition to clinical practice. Trainees interested in this career path can apply for grant funding to support their research during and after fellowship training.

8. Trainees in my program have been directly affected by the termination of grants to Columbia. One trainee was supposed to have been funded by a two-year T32 training grant. This grant would have allowed the trainee to study vascular biology and the origins of congenital heart disease in children, working with talented researchers in the fields of cardiology, embryology, and obstetrics and gynecology. That grant has now been terminated.

9. Another trainee will be funded by a T32 training grant from the Agency for Healthcare Research and Quality. That training grant has not been terminated. However, the NIH R01 grant funding the research project that the trainee expected to work on has been canceled. The project involved integrating an artificial intelligence system into the electronic health record throughout the adult hospital to prevent adverse patient outcomes; a recent clinical trial on adult patients showed a 36% decrease in the risk of death across hospital units that used this system. The terminated grant would have extended this research to the pediatric hospital

context. Although my trainee's grant has not been terminated, the trainee will no longer be able to conduct this important and promising research under the mentorship of the person whose R01 grant was canceled.

10. These grant terminations directly harm the Pediatric Critical Care fellowship program. The grant funding generally is used to support the salary of the trainee during their time dedicated to research activity. By terminating this funding source, the Department of Pediatrics has less funding than it otherwise would have, which leaves fewer resources for other activities.

11. The grant terminations will also jeopardize our program's ability to recruit excellent trainees in the field of pediatric critical care, particularly those interested in pursuing academic careers. One of the main reasons that fellows choose our program is that Columbia is a major academic center engaged in important scientific research. Trainees are altruistically motivated to do this important work because it will help children survive and live longer, healthier lives. For physician-scientists, the ability to earn grants to fund that research is a major determinant of career trajectory. It will be much more difficult to recruit talented physician-scientists to Columbia if federal grants to our institution are at risk of being canceled with virtually no notice, to the detriment of our trainees' careers.

12. I am aware from public reporting of several other grant terminations that are affecting research in pediatric medicine at CUIMC. For example, NIH terminated the Clinical and Translational Science Award (CTSA), which has funded the Irving Institute for Clinical and Translational Research at the medical center since 2006. The purpose of the CTSA is to support the translation of research discovery into improved patient care. It provides an enormous amount of direct support for researchers, including statistical analysis, administrative support, assistance with clinical trials, and advice on all aspects of the research process. These services enable researchers to develop new treatments faster and to deliver those treatments to patients more efficiently, effectively, and safely.

13. The CTSA provided funding and support for my previous research grant, which examined severe respiratory failure in infants and children and subsequent problems with their neurodevelopment and mental health. I continue to use CTSA resources to support research in this area. I have previously relied on CTSA expertise to aid research on multisystem inflammatory syndrome in children (a life-threatening post-infectious complication of COVID-19). That support helped to advance our understanding of the most effective treatments for this illness. I have also used CTSA services to provide advice on projects centered on neurodevelopment after premature birth and care in a neonatal ICU. In general, the CTSA has been the backbone for my own research support, and the loss of its services would be devastating for funded and unfunded research projects across the institution.

14. NIH has terminated several other grants related to pediatric research. For example, one terminated project sought to develop antiviral medications to inhibit SARS-CoV-2 (the virus responsible for COVID-19) from entering and infecting cells. This would have been a non-vaccine method for preventing spread of the disease, particularly useful in vulnerable or immunocompromised populations. Another terminated project was the COVID-19 Mother Baby Outcomes (COMBO) initiative, which has been studying the impact of COVID-19 infections during pregnancy on the developing fetus and the future health of both the mother and child. The cancellation of these projects will deprive the field of pediatric medicine of critical insights that could be applied to save lives, improve patient care, and help children throughout the United States.

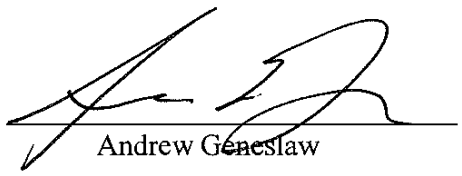
15. I understand the government claims to have terminated these grants because of Columbia's "continued inaction in the face of persistent harassment of Jewish students." It is abhorrent to me as a physician, scientist, teacher—and as a Jew—that the administration would claim that halting scientific research funding is somehow an appropriate response to antisemitism. The administration's actions do not make Jews on Columbia's campus safer. Instead, their actions compromise our ability to do vital work caring for patients (in my case, very sick children), training the next generation of physicians and scientists, and conducting the

research that will enable us to better understand, prevent, and treat the causes of our patients' suffering.

16. I am greatly concerned that the government's actual motivation is to suppress free speech on campus and punish ideas and viewpoints that it does not like—including, for example, support for diversity, equity, and inclusion. I strongly believe in the importance of diversity in the medical profession, given the evidence that a more representative workforce leads to improved health outcomes for patients, particularly those in marginalized communities. But the government's actions have had a significant chilling effect on the way that my colleagues and I discuss the issue of diversity in medicine, as well as other topics the government would consider controversial.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8 day of May 2025.



Andrew Geneslaw

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Alex de Sherbinin (Witness L)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF ALEX DE SHERBININ

I, Alex de Sherbinin, hereby declare as follows:

1. I am the Director of the Center for Integrated Earth System Information (CIESIN), a research unit of the Columbia Climate School at Columbia University. I have worked at CIESIN since 1999. I also regularly teach students at the Climate School.

2. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

3. Since 1998, CIESIN has had a contract with the National Aeronautics and Space Administration (NASA) to run one of twelve data centers known as Distributed Active Archive Centers (DAACs). The general purpose of these data centers is to process, archive, and distribute different types of earth science data, as well as to create data sets for and provide support to researchers at NASA and elsewhere.

4. NASA selected CIESIN to run the Socioeconomic Data and Applications Center (SEDAC), the data center that focuses specifically on data relating to human interactions in the environment.

5. SEDAC provides unique global and regional data products and services in five major areas: population and settlements; climate mitigation and adaptation; environmental sustainability; natural hazards; and poverty and food security. SEDAC's flagship data product is the Gridded Population of the World, which is a global map that models the distribution of the human population across the world. This map can be integrated with other data sets (*e.g.*, data on air pollution), allowing for a greater understanding of the impact of issues like air pollution on public health. SEDAC also created a gridded version of the U.S. Social Vulnerability Index, a data set that helps assess the ability of counties in the United States to prepare for, respond to, and recover from environmental hazards.

6. SEDAC's data products have been used widely, both in academic research and in real-world decision-making and applications. Roughly 700 academic journal articles per year cite SEDAC data, with many using our data to understand the ways that humans are affected by, or contributing to, environmental change. As far as real-world applications, disaster managers have used SEDAC data to help estimate the population in communities affected by natural disasters, such as hurricanes, major flooding, and wildfires. Understanding the precise population distribution can help emergency managers identify the appropriate size of the emergency response, as well as the appropriate locations to send utility trucks and other forms of emergency assistance.

7. CIESIN's most recent contract with NASA was a five-year contract for more than $5 million a year (for a total contract value of nearly $30 million). There were 3.5 years left on this contract.

8. CIESIN's contract with NASA has paid for the salaries of the 25 people who worked on SEDAC on either a full- or part-time basis. These individuals have unique skills and

specialized knowledge in the technical areas relevant to running a data repository, including the development and processing of data.

9. On March 7, 2025, CIESIN received a stop-work order from NASA instructing us to cease work on SEDAC. Although we did not receive a formal termination letter from NASA until April 30, 2025, it is my understanding that the original stop-work order was issued as part of the government's termination of $400 million in grants and contracts to Columbia. Neither the stop-work order nor the termination letter we received gave a specific reason for the termination.

10. I have learned that CIESIN's contract with NASA appeared on a March 3, 2025 list of contracts identified for potential stop-work orders by Josh Gruenbaum, the Commissioner of the Federal Acquisition Service in the General Services Administration. *See* ECF No. 93-1. The contract number is 80GSFC23CA001, and the amount of the contract is $29,953,052.00.

11. The loss of the SEDAC contract will be devastating for the tremendously dedicated staff at CIESIN. Because the contract has been terminated, CIESIN has had to notify 17 of the 25 people who have worked on SEDAC that they will be losing their positions.

12. The loss of the contract also means SEDAC will no longer be able to perform the important services it has performed for more than 25 years—including updating the data, developing new data sets and products, curating data from third-party developers, and ensuring the data are archived and distributed in accordance with best practices. This will have real-world consequences, given the range of practical applications for which SEDAC data have been used.

13. Because the contract has been terminated, NASA removed all SEDAC data from its Earthdata catalog in early April 2025. Since public access was interrupted, CIESIN invested substantial effort in identifying an appropriate open repository and has begun the process of moving the data to that repository. Until that happens, CIESIN has made the data catalog available on a webpage to provide minimal access for its user community and attempted to publicize it, but it is likely that many researchers and others who rely on the data do not know where to find them. The current catalog is a Google sheet with very limited functionality for

data search and discovery. In the month or so since the data were removed from the NASA catalog, I have heard from many SEDAC data users who relied on the data and were concerned it would no longer be available.

14. I have no reason to believe the termination of the SEDAC contract had anything to do with CIESIN's performance. SEDAC is rated each year by NASA's Earth Observing System Data and Information System (EOSDIS), and it has generally received exceptional ratings. SEDAC also has a strong reputation among the communities we serve.

15. In my experience, the government's actions terminating millions of dollars in federal funds have affected the campus environment. I have found people are more cautious and guarded about expressing their views, due to concerns that particular words may be taken out of context and used against them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of May 2025.



Alex de Sherbinin

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Mary Beth Terry (Witness M)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF MARY BETH TERRY

I, Mary Beth Terry, declare as follows:

1. I am a Professor of Epidemiology and Environmental Sciences at the Mailman School of Public Health.

2. I have been at Columbia University for over 25 years. I received my PhD in Epidemiology at Columbia University.

3. My research focuses on chronic disease risk, including cancer.

4. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

5. I am a member of AAUP and AFT.

6. I have had an NIH center grant, called a P50 award, terminated. I was the overall contact Principal Investigator (PI) for the grant. The notice from NIH about the termination stated, “This

project has been terminated due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students."

7. The grant was in the middle of its fourth year, and we had about a year and a half left. The grant was for a total of about $20 million over those four years.

8. This grant funded research on chronic disease prevention. The grant supported many components, including three main clinical trials.

9. One trial involved breast cancer patients who were at risk of heart disease. The goal was to figure out ways to manage multiple chronic diseases.

10. A second trial focused on preventing chronic diseases, like cancer and cardiometabolic health.

11. A third trial focused on colorectal cancer screenings and reducing colorectal cancer risk.

12. These trials all included patient participants. Now, the trials are not continuing. As a result of the funding withdrawal, the already-enrolled participants will not be able to get the benefit of their participation: they will not receive the results related to managing or preventing chronic diseases. For those who enrolled in the colorectal cancer screening trial, those participants will no longer be able to access the cancer screenings through the trial, leaving them at risk of developing undetected cancer. We also have stopped all recruitment for future participants in each trial.

13. The NIH center grant also supported two additional trials that were funded as offspring of these main trials, and they have stopped.

14. There were also over 30 pilot studies, run by junior investigators, that were part of this center grant, and they are now cancelled. This is extremely detrimental to the junior researchers

and their career. The grant provided them an opportunity to work, train, and develop their careers, and it brought in new researchers to the field of chronic disease.

15. As a direct result of the funding termination, we have had to lay off staff. We laid off one person around May 7, 2025, and there may be more. This layoff was part of the layoffs that Columbia University publicly announced around the same time. I took time and resources to train these individuals. Their layoff is a huge loss to the project, even if it were ever to be restarted.

16. Although Columbia University was the lead on this grant, there were a number of other institutions that were also part of the NIH center grant, including Hunter College, Cornell, Northwell Health Systems, and the research arm of the Physician Affiliate Group of New York (PAGNY). The funding termination removes their funding, too. I understand that they also have had to lay off staff as a result.

17. We had obtained this grant as part of a specific call for proposals. The call funded eleven centers around the country, and we were one of them. This was a request for proposals to get people who had not been working together to do so, in order to better understand potential solutions to prevent different types of chronic diseases. It was a unique effort.

18. The sudden termination of funding for this research, without any notice, has been harmful for multiple reasons. First, our community partners were critical to this research. The abrupt funding termination after these community partners had been working in good faith harms the trust that we have worked so hard to build.

19. It is also extremely detrimental to the patient participants. Abruptly canceling ongoing clinical trials severely damages trust – why would a patient ever participate in a trial if they don't get to finish and don't get the results and answers they were looking for? They wouldn't.

20. This is a huge loss not only for me and my team, but also for our collective understanding of chronic diseases, like cancer and heart disease.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 5/7/25

Signed: Mary Beth Terry

Mary Beth Terry
Professor of Epidemiology and Environmental Sciences

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Steven Chillrud (Witness N)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF STEVEN CHILLRUD

I, Steven N. Chillrud, hereby declare as follows:

1. I am a Lamont Research Professor at the Lamont-Doherty Earth Observatory of Columbia University. I have also served in leadership roles on large center grants such as being the Director of the Exposure Assessment Core at the Center for Environmental Health in Northern Manhattan for over 10 years. I have been a fulltime member of the Columbia University research staff since 1996, starting as a postdoc and working my way up to being a tenured Lamont Research Professor.

2. I have a bachelor's degree in chemistry and environmental studies from the University of California, Santa Cruz, and a Ph.D. from Columbia University specializing in geochemistry.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. The Center for Environmental Health and Justice in Northern Manhattan ("the Center") is funded by a large P30 grant from the National Institute of Environmental Health Sciences, a component of the National Institutes of Health (NIH).

6. A P30 grant is a type of NIH grant known as a Center Core Grant, which is designed to support shared resources and facilities for research by many different investigators. The goal is to provide a comprehensive suite of facilities that can support researchers throughout all stages of their investigations, thus improving research quality and overall research productivity.

7. The mission of our Center is to identify and understand health concerns caused by environmental exposures and to address those exposures through science and partnerships. Researchers at the Center tend to focus in particular on cancer, respiratory illnesses, and neurological and neurodegenerative diseases. We study the effects of environmental exposures both locally in New York and in other places around the United States and the world.

8. The Center is divided into several "facility cores"—i.e., groups that provide different kinds of services to support research projects. For example, the Study Design and Data Science Facility Core provides resources to plan, conduct, and analyze studies, including guidance on data management, interpretation, and reproducibility. The Community Engagement Core conducts and disseminates community-engaged environmental health research, developing strong collaborations with community and government partners and making research accessible to community members, policymakers, public health practitioners, and healthcare providers.

9. I am currently the co-director of the Translational Research Support Core, the overall purpose of which is to provide specific types of laboratory services that can complement investigators' expertise. I lead a sub-core called the Exposure Assessment Core, which has expertise on providing state-of-the-art analysis of environmental samples (e.g., air, dust, water, soil) and can create customized air monitors and other tailored solutions for researchers. Another sub-core focuses on the collection and analysis of biological samples (animal samples or human blood, urine, tissue, etc.).

10. Any member of the Center can access the services provided by the facility cores. The membership of the Center currently includes 67 Columbia faculty members from a range of academic departments and disciplines.

11. The Center also has two programs to help encourage new scientific studies and develop the careers of faculty members. First, the Pilot Projects Program helps launch new studies, providing pilot funding (up to $25,000) to conduct preliminary research and analysis; the data generated can then be used to support applications for additional grant funds from NIH and other sources. Second, the Career Development Program awards funding every two years to selected junior faculty members. This funding can be used to help support their research careers by, for example, setting up a laboratory or hiring research assistants or lab techs.

12. Columbia has received P30 grants to support the Center for approximately 26 years.

13. During that time, the Center has supported an enormous amount of important research on environmental science issues. Examples of recent work that Columbia researchers have done through Center collaborations include: showing that metals from e-cigarette aerosols accumulate in the brain in mice and might do the same in humans; reporting on increased hospitalizations following extreme weather events; investigating access to clean drinking water and the impact on infant health; and showing the impacts of mold interventions in homes to reduce asthma exacerbations.

14. The Center has also supported research that has informed significant policy interventions with a meaningful impact on human health. For example, the Center's research on chemicals in children's products helped support the passage of safety legislation in New York State. The Center also worked to help pass an order requiring the phase-out of residual fuel oil in New York City, which has resulted in 40% lower air pollution emissions from large buildings. And the Center has conducted mechanistic studies on the impact of the pesticide chlorpyrifos on the developing brain, which helped inform an EPA regulation on this pesticide.

15. On March 10, we received notice from Columbia that the P30 grant supporting the Center appeared on a list of grants to Columbia that had been terminated by NIH. By March 14, we had been notified directly by NIH that the grant was terminated.

16. I am not aware of any concerns by NIH about the Center's performance. On the contrary, the Center went through a competitive renewal approximately two years ago and received one of the best scores indicating that it is one of the top centers in the country.

17. The termination of the grant will make it substantially more difficult for researchers at Columbia to conduct the type of environmental health research that the Center has historically supported. This will have a major impact on Columbia's ability to recruit the best graduate students and young scientists interested in environmental health and science research.

18. The Center will likely lose multiple staff members as a result of the grant's termination. These are individuals who have spent years (in some cases, decades) building up highly specialized skills and expertise in particular aspects of environmental science research. Even if funding were eventually restored and we were able to hire new staff to fill these roles, it would be an enormous undertaking to train these individuals to perform the work our current staff performs. I believe it would decades to rebuild the expertise we will have lost.

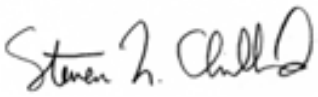
19. The loss of the Center's Pilot Projects and Career Development Programs will also cause both immediate and long-term harm, particularly to junior researchers. We will no longer be able to provide dedicated funding for junior faculty career development. Much of the Center's pilot funding has been awarded to early-career faculty and, as noted, has been used to support applications for additional funding. The loss of these opportunities will jeopardize the ability of junior researchers to develop the skills and access the resources they need to be successful independent investigators.

20. I am aware of other grants to Columbia that were terminated on the same date as our P30 grant. These include grants that funded important training opportunities for graduate students, as well as research projects aimed at understanding the health effects of certain chemical exposures.

21. I am greatly concerned about the consequences of these mass grant terminations not only for Columbia and for individual researchers whose careers are now at stake, but also for the United States' competitiveness in environmental health science and many other fields. I believe these actions will make it considerably harder for the United States to attract the best graduate students and young scientists from around the world.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this ____7th_ day of May 2025.



Steven N. Chillrud

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2025, I electronically filed the foregoing Joint Appendix with the Clerk of Court for the United States Court of Appeals for the Second Circuit using the ACMS system, which will send notice of such filing to all counsel of record in compliance with Local Rule 25.1(h)(2).

Dated: September 22, 2025

By: s/ Rachel Goodman

Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
rachel.goodman@protectdemocracy.org

Counsel for Plaintiffs-Appellants

No. 25-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, ET AL.,
Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.
Defendants-Appellees.

On Appeal from the United States District Court for the
Southern District of New York
Case No. 1:25-cv-02429-MKV (Hon. Mary Kay Vyskocil)

JOINT APPENDIX (JA879 – JA936)
VOLUME 7 OF 8

Orion Danjuma
Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
orion.danjuma@protectdemocracy.org
rachel.goodman@protectdemocracy.org

Eve H. Cervantez
Matthew J. Murray
Connie K. Chan
Juhyung Harold Lee
Jonathan Rosenthal
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Tel: (415) 421-7151
Fax: (415) 362-8064
ecervantez@altber.com
mmurray@altber.com
cchan@altber.com
hlee@altber.com
jrosenthal@altber.com

Additional counsel for Plaintiffs-Appellants:

Katie Schwartzmann
Protect Democracy Project
201 St. Charles Avenue, Ste. 114
New Orleans, LA 70170
Tel: (202) 579-4582
Fax: (202) 769-3176
katie.schwartzmann@protectdemocracy.org

Richard Primus
The University of Michigan Law School
(institutional affiliation provided for identification
purposes only; not representing the University)
625 S. State Street
Ann Arbor, MI 48109
Tel: (734) 647-5543
Fax: (734) 764-8309
PrimusLaw1859@gmail.com

JOINT APPENDIX
TABLE OF CONTENTS

Tab. No.	Docket No.	Date Filed	Description	Page No.
Volume 1				
1			District Court Docket Sheet	JA1
Volume 2				
2	1	03/25/25	Complaint	JA26
3	27	04/03/25	Declaration of Todd Wolfson	JA113
4	28	04/03/25	Declaration of Julie Schmid & Exhibit A (*Condemning Hate and Affirming Freedom of Speech on Campus*, American Federation of Teachers (Nov. 9, 2023))	JA121
5	29	04/03/25	Declaration of Reinhold Martin	JA135
6	29-1	04/03/25	Exhibit A to the Declaration of Reinhold Martin (March 7, 2025 Email from Katrina Armstrong)	JA152
7	30	04/03/25	Declaration of Susan Witte	JA155
8	31	04/03/25	Declaration of Victoria Frye	JA164
9	32	04/03/25	Declaration of Jennifer S. Hirsch	JA169
10	45	04/03/25	Declaration of Veena Dubal	JA178
11	45-1	04/03/25	Exhibit A to the Declaration of Veena Dubal (March 24, 2025 Email from Danna Drori)	JA182
12	47	04/04/25	Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA187
13	47-1	04/04/25	Exhibit 1 to the Declaration of Jonathan Rosenthal (Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020))	JA202

14	47-2	04/04/25	Exhibit 2 to the Declaration of Jonathan Rosenthal (Muzaffer Kaya, *Turkey's Purge of Critical Academia*, Middle East Report 288 (Fall 2018))	JA205
15	47-3	04/04/25	Exhibit 3 to the Declaration of Jonathan Rosenthal (Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*, International Research Group on Authoritarianism and Counter-Strategies (July 22, 2021))	JA217
16	47-4	04/04/25	Exhibit 4 to the Declaration of Jonathan Rosenthal (*Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DJTFP 2024 (July 17, 2024))	JA225
17	47-5	04/04/25	Exhibit 5 to the Declaration of Jonathan Rosenthal (*Agenda47: The American Academy*, DJTFP 2024 (Nov. 1, 2023))	JA229
18	47-6	04/04/25	Exhibit 6 to the Declaration of Jonathan Rosenthal (Henry Reichman, *'The Professors Are the Enemy' Right-wing attacks on academic freedom have real repercussions.*, The Chronicle of Higher Education (Dec. 14, 2021))	JA233
19	47-7	04/04/25	Exhibit 7 to the Declaration of Jonathan Rosenthal (Rod Dreher, *"I would like to see European elites actually listen to their people for a change": An Interview with J.D. Vance*, The European Conservative (Feb. 22, 2024))	JA240
20	47-8	04/04/25	Exhibit 8 to the Declaration of Jonathan Rosenthal (*Leo Terrell, Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism On Campus*, HughHewitt & Duane Patterson (March 19, 2025))	JA252
21	47-9	04/04/25	Exhibit 9 to the Declaration of Jonathan Rosenthal (Feb. 17, 2025 Letter to Georgetown Law School from Edward R. Martin, Jr.)	JA259

22	47-10	04/04/25	Exhibit 10 to the Declaration of Jonathan Rosenthal (Jan Claassen, MD, et al., *Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness*, Columbia University Irving Medical Center (March 3, 2025))	JA262
23	48-1	04/04/25	Exhibit 11 to the Declaration of Jonathan Rosenthal (Timothy Wang, MD, et al., *Nerves Electrify Stomach Cancer, Sparking Growth and Spread*, Columbia University Irving Medical Center (Feb. 19, 2025))	JA269
24	48-2	04/04/25	Exhibit 12 to the Declaration of Jonathan Rosenthal (Julia Wattacheril, MD, MPH, *Training Your Electronic Health Record to Think Like a Liver Doctor*, Columbia University Irving Medical Center (Feb. 20, 2025))	JA277
25	48-3	04/04/25	Exhibit 13 to the Declaration of Jonathan Rosenthal (Financial Overview of Columbia University)	JA283
Volume 3				
26	48-4	04/04/25	Exhibit 14 to the Declaration of Jonathan Rosenthal (Economic Impact of Columbia University)	JA290
27	48-5	04/04/25	Exhibit 15 to the Declaration of Jonathan Rosenthal (Ian Bogost, *A New Kind of Crisis for American Universities*, The Atlantic (Feb. 10, 2025))	JA299
28	48-6	04/04/25	Exhibit 16 to the Declaration of Jonathan Rosenthal (Willem Marx, *Campus protests over the war in Gaza have gone international*, NPR (May 3, 2024))	JA312
29	48-7	04/04/25	Exhibit 17 to the Declaration of Jonathan Rosenthal (Executive Order 14188 Additional Measures To Combat Anti-Semitism (January 29, 2025))	JA321
30	48-8	04/04/25	Exhibit 18 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Justice Department Announces Formation of Task Force to Combat*	JA324

			Anti-Semitism, U.S. Department of Justice (Feb. 3, 2025))	
31	48-9	04/04/25	Exhibit 19 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. Department of Education (Feb. 3, 2025))	JA328
32	48-10	04/04/25	Exhibit 20 to the Declaration of Jonathan Rosenthal (*Statement on Notice From U.S. Department of Education Office of Civil Rights*, Columbia University Office of Public Affairs (Feb. 3, 2025))	JA331
33	49-1	04/04/25	Exhibit 21 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses*, U.S. General Services Administration (March 3, 2025))	JA334
34	49-2	04/04/25	Exhibit 22 to the Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (March 4, 2025))	JA338
35	49-3	04/04/25	Exhibit 23 to the Declaration of Jonathan Rosenthal (*DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth $400 million*, U.S. General Services Administration (March 7, 2025))	JA340
36	49-4	04/04/25	Exhibit 24 to the Declaration of Jonathan Rosenthal (Matthew Haag et al., *Decades Ago, Columbia Refused to Pay Trump $400 Million*, The New York Times (March 21, 2025))	JA345
37	49-5	04/04/25	Exhibit 25 to the Declaration of Jonathan Rosenthal (*Responding to Federal Action*, Columbia Office of the President (March 7, 2025))	JA352
38	49-6	04/04/25	Exhibit 26 to the Declaration of Jonathan Rosenthal (March 13, 2025 Letter to Columbia University	JA356

39	49-7	04/04/25	Exhibit 27 to the Declaration of Jonathan Rosenthal (*Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia*, Columbia University)	JA359
40	49-8	04/04/25	Exhibit 28 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA Respond to Columbia University's Actions to Comply with Joint Task Force Pre-Conditions*, U.S. Department of Health and Human Services (March 24, 2025))	JA364
41	49-9	04/04/25	Exhibit 29 to the Declaration of Jonathan Rosenthal (X Post from NIH (March 10, 2025))	JA369
42	49-10	04/04/25	Exhibit 30 to the Declaration of Jonathan Rosenthal (Caroline Lewis, *Hundred of research grants at Columbia canceled following Trump edict, administrator says*, Gothamist (March 11, 2025))	JA372
43	50-1	04/04/25	Exhibit 31 to the Declaration of Jonathan Rosenthal (Spreadsheet of Awards)	JA377
44	50-2	04/04/25	Exhibit 32 to the Declaration of Jonathan Rosenthal (Ryan Quinn, *Trump's Columbia Cuts Start Hitting Postdocs, Professors*, Inside Higher Ed (March 13, 2025))	JA420
45	50-3	04/04/25	Exhibit 33 to the Declaration of Jonathan Rosenthal (Humberto Basilio, *'My career is over': Columbia University scientists hit hard by Trump team's cuts*, Nature ((March 14, 2025))	JA428
46	50-4	04/04/25	Exhibit 34 to the Declaration of Jonathan Rosenthal (Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*, The New York Times (March 18, 2025))	JA435
47	50-5	04/04/25	Exhibit 35 to the Declaration of Jonathan Rosenthal (Jason Mast, *Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research*, Stat News (March 11, 2025))	JA442

48	50-6	04/04/25	Exhibit 36 to the Declaration of Jonathan Rosenthal (Isabella Cueto, *ME/CFS research program shuts down at Columbia after Trump cuts*, Stat News (March 19, 2025))	JA448
49	50-7	04/04/25	Exhibit 37 to the Declaration of Jonathan Rosenthal (March 30, 2025 Open letter in response to federal funding cuts at Columbia)	JA453
Volume 4				
50	50-8	04/04/25	Exhibit 38 to the Declaration of Jonathan Rosenthal (Mark Alfred, *The Trump Administration Cut Cancer and Alzheimer's Research Funding at Columbia University*, Notus (March 18, 2025))	JA477
51	50-9	04/04/25	Exhibit 39 to the Declaration of Jonathan Rosenthal (Thomas Bailey, *Update in Light of March 7 Federal Announcement*, Teachers College of Columbia University (March 7, 2025))	JA483
52	50-10	04/04/25	Exhibit 40 to the Declaration of Jonathan Rosenthal (Jocelyn Kaiser, *After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts*, Science (March 18, 2025))	JA486
53	51-1	04/04/25	Exhibit 41 to the Declaration of Jonathan Rosenthal (Congressional Record, Senate (April 7, 1964))	JA490
54	51-2	04/04/25	Exhibit 42 to the Declaration of Jonathan Rosenthal (Congressional Record, House of Representatives (Feb. 7, 1964))	JA497
55	51-3	04/04/25	Exhibit 43 to the Declaration of Jonathan Rosenthal (Abigail A. Graber, *Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964*, Congressional Research Service (Sept. 17, 2024))	JA504
56	51-4	04/04/25	Exhibit 44 to the Declaration of Jonathan Rosenthal (Jared P. Cole, *Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of*	JA511

			1964, Congressional Research Service (April 4, 2019))	
57	51-5	04/04/25	Exhibit 45 to the Declaration of Jonathan Rosenthal (*Case Processing Manual*, U.S. Department of Education Office for Civil Rights (Feb. 19, 2025))	JA539
58	51-6	04/04/25	Exhibit 46 to the Declaration of Jonathan Rosenthal (*Upholding Our Values*, Columbia Office of the President (Oct. 18, 2023))	JA572
59	51-7	04/04/25	Exhibit 47 to the Declaration of Jonathan Rosenthal *(Standing in Solidarity*, Columbia Office of the President (Oct. 27, 2023))	JA575
60	51-8	04/04/25	Exhibit 48 to the Declaration of Jonathan Rosenthal (*Task Force on Antisemitism*, Columbia University	JA578
Volume 5				
61	51-9	04/04/25	Exhibit 49 to the Declaration of Jonathan Rosenthal (*Announcing Task Force on Antisemitism*, Columbia Office of the President (Nov. 1, 2023))	JA587
62	51-10	04/04/25	Exhibit 50 to the Declaration of Jonathan Rosenthal (*About the Task Force on Antisemitism*, Columbia University)	JA590
63	52-1	04/04/25	Exhibit 51 to the Declaration of Jonathan Rosenthal (*Report #1: Task Force on Antisemitism Columbia University's Rules on Demonstrations*, Columbia University (March 2024))	JA593
64	52-2	04/04/25	Exhibit 52 to the Declaration of Jonathan Rosenthal (*President Shafik Welcomes the First Set of Recommendations From the Task Force on Antisemitism*, Columbia Office of the President (March 4, 2024))	JA612
65	52-3	04/04/25	Exhibit 53 to the Declaration of Jonathan Rosenthal (*Report #2: Task Force on Antisemitism*, Columbia University (Aug. 2024))	JA615

66	52-4	04/04/25	Exhibit 54 to the Declaration of Jonathan Rosenthal (*Combatting Antisemitism*, Columbia Office of the President)	JA620
67	52-5	04/04/25	Exhibit 55 to the Declaration of Jonathan Rosenthal (*University Statement Regarding UJB Determinations*, Columbia University Office of Public Affairs (March 13, 2025))	JA625
68	52-6	04/04/25	Exhibit 56 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism*, U.S. Department of Justice (Feb. 28, 2025))	JA628
69	52-7	04/04/25	Exhibit 57 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment*, U.S. Department of Education (March 10, 2025))	JA632
70	52-8	04/04/25	Exhibit 58 to the Declaration of Jonathan Rosenthal (Maya Sulkin, *Columbia University Says One Thing to Trump Admin—and Another in Private*, The Free Press (March 25, 2025))	JA637
71	52-9	04/04/25	Exhibit 59 to the Declaration of Jonathan Rosenthal (*A Message from Dr. Katrina A. Armstrong*, Columbia University Office of Public Affairs (March 28, 2025))	JA642
72	52-10	04/04/25	Exhibit 60 to the Declaration of Jonathan Rosenthal (*Joint Task Force statement regarding Columbia University's steps to advance negotiations*, U.S. General Services Administration (March 28, 2025))	JA645
73	52-11	04/04/25	Exhibit 61 to the Declaration of Jonathan Rosenthal (Eugene Volokh et al., *A Statement from*	JA648

			Constitutional Law Scholars on Columbia, The New York Review (March 20, 2025))	
74	93	05/01/25	Declaration of Josh Gruenbaum in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA653
75	93-1	05/01/25	Exhibit A to the Declaration of Josh Gruenbaum (March 3, 2025 Memorandum to Columbia University from Josh Gruenbaum)	JA657
76	94	05/01/25	Declaration of Allison M. Rovner in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA661
77	94-1	05/01/25	Exhibit A to the Declaration of Allison Rovner (March 7, 2025 Letter to the Trustees of Columbia University from Mark Washington)	JA663
78	94-2	05/01/25	Exhibit B to the Declaration of Allison Rovner (March 7, 2025 Letter to the Teachers College Columbia University from Mark Washington)	JA666
79	94-3	05/01/25	Exhibit C to the Declaration of Allison Rovner (Oral Argument Transcript of Mahmoud Kahil et al., v. The Trustees of Columbia University in the City of New York, et al. (March 25, 2025))	JA669
80	99	05/08/25	Reply Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA674
81	99-1	05/08/25	Exhibit 62 to the Reply Declaration of Jonathan Rosenthal (Sara Reardon, *Exclusive: NIH freezes all research grants to Columbia University,* Science (April 9, 2025))	JA680
82	99-2	05/08/25	Exhibit 63 to the Reply Declaration of Jonathan Rosenthal (Maddie Khaw, *All of Columbia's NIH Funding Is Apparently Frozen. Here's What That Looks Like for One Researcher*, Chronicle (April 11, 2025))	JA683

83	99-3	05/08/25	Exhibit 64 to the Reply Declaration of Jonathan Rosenthal (April 11, 2025 Letter to Harvard University)	JA690
84	99-4	05/08/25	Exhibit 65 to the Reply Declaration of Jonathan Rosenthal (Michael C. Bender et al., *Inside Trump's Pressure Campaign on Universities*, The New York Times (April 14, 2025))	JA696
85	99-5	05/08/25	Exhibit 66 to the Reply Declaration of Jonathan Rosenthal (*Sustaining Columbia's Vital Mission*, Columbia Office of the President (April 14, 2025))	JA714
86	99-6	05/08/25	Exhibit 67 to the Reply Declaration of Jonathan Rosenthal (April 14, 2025 Letter from Harvard University)	JA717
87	99-7	05/08/25	Exhibit 68 to the Reply Declaration of Jonathan Rosenthal (*Joint Task Force to Combat Anti-Semitism Statement Regarding Harvard University*, U.S. Department of Education (April 14, 2025))	JA720
88	99-8	05/08/25	Exhibit 69 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *The Little-Known Bureaucrats Tearing Through American Universities*, The Wall Street Journal (April 14, 2025))	JA722
89	99-9	05/08/25	Exhibit 70 to the Reply Declaration of Jonathan Rosenthal (Alan Blinder, *Trump Has Targeted These Universities. Why?*, The New York Times (April 15, 2025))	JA732
90	99-10	05/08/25	Exhibit 71 to the Reply Declaration of Jonathan Rosenthal (*Miguel S. Urquiola*, Columbia Office of the Provost)	JA739
91	99-11	05/08/25	Exhibit 72 to the Reply Declaration of Jonathan Rosenthal (Meghnad Bose et al., *Inside Columbia's Betrayal of its Middle Eastern Studies Department*, The Intercept (April 16, 2025))	JA742

92	99-12	05/08/25	Exhibit 73 to the Reply Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (April 16, 2025))	JA755
93	99-13	05/08/25	Exhibit 74 to the Reply Declaration of Jonathan Rosenthal (Anil Oza et al., *NIH said to have halted awarding of new grants to more top universities*, Stat News (April 18, 2025))	JA757
94	99-14	05/08/25	Exhibit 75 to the Reply Declaration of Jonathan Rosenthal (X Post from Max Kozlov (April 18, 2025))	JA760
95	99-15	05/08/25	Exhibit 76 to the Reply Declaration of Jonathan Rosenthal (Nandika Chatterjee, *Trump Takes Personal Revenge on Harvard's Lawyer for Standing Up to Him*, Daily Beast (April 24, 2025))	JA762
Volume 6				
96	99-16	05/08/25	Exhibit 77 to the Reply Declaration of Jonathan Rosenthal (May 5, 2025 Letter to Hard University from Linda E. McMahon)	JA769
97	99-17	05/08/25	Exhibit 78 to the Reply Declaration of Jonathan Rosenthal (*Preserving Columbia's Critical Research Capabilities*, Columbia Office of the President (May 6, 2025))	JA773
98	99-18	05/08/25	Exhibit 79 to the Reply Declaration of Jonathan Rosenthal (Diabetes Prevention Program et al., *An open letter to the Columbia administration*, Columbia Spectator (May 4, 2025))	JA777
99	99-19	05/08/25	Exhibit 80 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *Trump Administration Proposes Terms for Federal Oversight of Columbia University*, The Wall Street Journal (May 5, 2025))	JA781
100	100	05/08/25	Supplemental Declaration of Todd Wolfson	JA785

101	101	05/08/25	Supplemental Declaration of Julie Schmid	JA796
102	102	05/08/25	Supplemental Declaration of Reinhold Martin	JA800
103	103	05/08/25	Declaration of Joshua Jacobs	JA804
104	104	05/08/25	Declaration of Jamie Daw	JA812
105	105	05/08/25	Declaration of Abigail Greenleaf	JA818
106	121	05/20/25	Order Denying Requests to Seal	JA823
107	124	05/23/25	Declaration of Matthew Murray in Support of Plaintiffs' Motion for Preliminary Injunction	JA829
108	124-1	05/23/25	Exhibit A to the Declaration of Matthew Murray (*HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law*, U.S. Department of Health and Human Services (May 22, 2025))	JA831
109	128	05/23/25	Declaration of Ezra Susser (Witness B)	JA836
110	129	05/23/25	Declaration of Joseph Slaughter (Witness C)	JA844
111	130	05/23/25	Declaration of Joel Swanson (Witness D)	JA849
112	131	05/23/25	Declaration of Andrew Geneslaw (Witness K)	JA857
113	132	05/23/25	Declaration of Alex de Sherbinin (Witness L)	JA863
114	133	05/23/25	Declaration of Mary Beth Terry (Witness M)	JA868
115	134	05/23/25	Declaration of Steven Chillrud (Witness N)	JA873
Volume 7				
116	136	05/23/25	Declaration of Teresa Javenic (Witness O)	JA879
117	137	05/23/25	Supplemental Declaration of Joseph Slaughter (Witness C)	JA886

118	138	05/23/25	Supplemental Declaration of Andrew Geneslaw (Witness K)	JA889
119	139	05/23/25	Amended Declaration of Melanie Wall (Witness A)	JA892
120	140	05/23/25	Amended Declaration of Safia Southey (Witness E)	JA899
121	141	05/23/25	Amended Declaration of Anne Li (Witness I)	JA903
122	142-1	05/23/25	Amended Declaration of Jon Lorsch, Ph.D	JA907
123	142-2	05/23/25	Exhibit A to the Amended Declaration of Jon Lorsch (*NIH Grants Policy Statement,* National Institutes of Health (April 2024))	JA914
124	142-3	05/23/25	Exhibit B to the Amended Declaration of Jon Lorsch (Dorothy A. Fink, *Secretarial Directive on DEI-Related Funding*, Department of Health & Human Services (Feb. 10, 2025))	JA921
125	142-4	05/23/25	Exhibit C to the Amended Declaration of Jon Lorsch (Matthew J. Memoli, M.D., *Directive on NIH Priorities*, National Institutes of Health (Feb. 21, 2025))	JA924
126	142-5	05/23/25	Exhibit D to the Amended Declaration of Jon Lorsch (March 10, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA927
127	142-6	05/23/25	Exhibit E to the Amended Declaration of Jon Lorsch (March 14, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA930
128	142-7	05/23/25	Exhibit F to the Amended Declaration of Jon Lorsch (March 7, 2025 Notification of Termination of Multiple Task Orders to the Trustees of Columbia University from Alice Pagán Pereira)	JA933
129	149	06/16/25	Notice of Appeal	JA935
Volume 8				

130	145	05/29/25	Amended Declaration of Witness J (To be filed UNDER SEAL and included in Joint Appendix contingent upon this Court's grant of Plaintiffs' Unopposed Motion to File Under Seal)	JA937

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Declaration of Teresa Janevic (Witness O)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

DECLARATION OF TERESA JANEVIC

I, Teresa Janevic, hereby declare as follows:

1. I am an Associate Professor of Epidemiology at Columbia University's Mailman School of Public Health. I have been a member of the Columbia faculty since 2023.

2. I have a bachelor's degree in social sciences from the University of Michigan, a Master of Public Health degree in epidemiology and biostatistics from the University of California, Berkeley, and a Ph.D. in epidemiology from Columbia University. Prior to joining the Columbia faculty, I was an associate professor at the Icahn School of Medicine at Mount Sinai. I will be under review for tenure this coming year.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. I am a perinatal epidemiologist with a focus on the social and structural determinants of health and health care. My research examines the influence of various

factors—including government policies, racial discrimination, and stress—on perinatal and reproductive health and health care outcomes.

6. I lead the enVironmental Impact on Birth Equity (VIBE) Research Lab at Columbia, which studies maternal and infant health equity. Our lab is currently studying a range of issues related to perinatal and reproductive health.

7. On March 10, 2025, I received notice from Columbia that the National Institutes of Health (NIH) had terminated two of the R01 grants that fund my research. I am a principal investigator on both of those grants. I still have not received a revised notice of award reflecting that either grant has been terminated. However, I understand that both grants were on the list that the government sent to Columbia of grants that NIH had terminated, and that both the government and Columbia consider the grants terminated.

8. The first terminated R01 grant funded a research project studying the impact of extending Medicaid coverage in the postpartum period. Under longstanding federal law, pregnancy-related Medicaid coverage is only guaranteed for the first 60 days postpartum. Postpartum Medicaid extensions have been passed in 49 states and are a key feature of recent policy attempts to address the maternal mortality and morbidity crisis in the United States, which is particularly acute for Black women. Our project is among the first to evaluate if access to health care improved for women after implementation of postpartum Medicaid extensions. Our research sought to provide concrete evidence about the impact of these changes on maternal health equity. The project employed a mixed methods approach, using both quantitative data analysis and, importantly, qualitative interviews with postpartum women, healthcare providers, community-based organizations, and policymakers.

9. This grant was expected to last five years and provide approximately $800,000 of funding per year. We had just begun our third year of research. If the grant is not reinstated, two full years of work on this project will be effectively wasted. For example, we had spent much of year two working together with data centers at the University of Texas and New York University to create and harmonize the necessary datasets for analysis, and were soon to start analyses that

would have provided answers to policymakers about the effectiveness of the Medicaid extension policies. That work will be wasted if funding for the project is not restored.

10. This grant was also the result of a tremendous amount of pre-award work. I began working on the grant application in 2021 and spent two years on the grant-writing and submission process before receiving the award in 2023.

11. The termination of this project is causing considerable immediate harm. The grant provided at least some salary support for approximately 10 faculty and staff members at Columbia and our partner institutions, as well as three students. My understanding is that the university has agreed to pay the Columbia staff on terminated grants through the new NIH appeal deadline of May 23, 2025, but there is no continued salary support after that date. Two student part-time research assistants were immediately asked to stop reporting hours after March 10, and we are in the highly stressful process of trying to find funding for other staff so that they will not lose their jobs.

12. Columbia is not providing any financial support to faculty or staff at our partner/subaward institutions who were collaborating on the project and are no longer receiving grant funds. Because they are no longer receiving funds, the subaward institutions, including the University of Texas, New York University, and Mount Sinai, have reassigned their researchers and staff to other projects. I worry that the abrupt termination of the grant will damage our relationships with external partner institutions like these, making them less willing to work with Columbia researchers or submit grants with Columbia as the prime awardee.

13. The project also involved a collaboration with community-based organizations in Texas and New York, who have been working to identify individuals for qualitative interviews. Building those relationships and bringing organizations together to work with us took an entire year, and those organizations have now had to stop work as well. I am very concerned that the abrupt termination of the project has caused significant damage to our reputation with these external collaborators and will make it harder to conduct this type of work in the future.

14. If the funding is not restored until several months from now, it would be extraordinarily difficult to restart this project. Our external partners will either have moved on to other projects or will be hesitant to work with us again.

15. The second terminated R01 grant funded a research project on the relationship between gestational diabetes (a common pregnancy complication) and subsequent development of type 2 diabetes. Prior research shows that the risk of progressing to type 2 diabetes after gestational diabetes is 2 to 4.5 times higher for Black, Latina, and South Asian women compared to non-Latina White women, but very little is known about the causes of these disparities. Most research focuses on individual risk factors. By contrast, our project focuses on structural and neighborhood-level risk factors, with the goal of identifying policy interventions during the postpartum period that could help prevent progression to type 2 diabetes and reduce racial and ethnic inequities. This project is also a mixed methods study, involving quantitative data analysis, qualitative interviews with postpartum women, and an innovative modeling approach to assess policy scenarios.

16. This project was also funded for five years, with approximately $800,000 in funding per year, and we had just started our third year of work. This grant was also the result of an approximately two-year grant writing process.

17. The grant provided at least some salary support for approximately eight faculty and staff members at Columbia and the Icahn School of Medicine at Mount Sinai, as well as two students. Again, Columbia is not providing any financial support to our collaborators and is only temporarily supporting the Columbia staff members on this grant. One Columbia postdoctoral researcher supported by the project received a Letter of Non-Renewal on May 7, 2025, terminating her position in three months.

18. This project primarily involved collaborating with the New York City Department of Health and Mental Hygiene (NYC DOHMH), which is an important partner for Columbia's Mailman School of Public Health. The staff at NYC DOHMH working on this project had

already spent years creating the database to be used in this study. I am concerned that the abrupt termination of the project will damage this important relationship.

19. The termination of both these grants at the same time has been devastating for my lab, particularly in the context of the overall depletion of resources for research at Columbia. These two grants provided the vast majority of my grant funding. And the sum in this case is worse than its parts: Columbia's research funding has taken a severe hit overall, the Mailman School of Public Health has been among the hardest-hit, and Columbia has put immediate cost-saving measures in place in response to the mass termination of funding (e.g., by prohibiting faculty from using their start-up funds). As a result, not only is my federal funding gone, but I also cannot use my start-up funds to run my lab, fund salaries, buy equipment, software, and books, and support career development. The large immediate hit to not only my grants but a huge portion of the School of Public Health means that my budget has been reduced to near zero.

20. This environment has made it particularly difficult to save the jobs of researchers in my lab. For example, the postdoctoral researcher who has now received a Letter of Non-Renewal ordinarily would have been likely to find another postdoc position at Columbia, but the government's mass termination of federal grants to Columbia has made that possibility much less likely. In addition, academic jobs are usually advertised and filled six to ten months in advance, and her position will now end in three months. The application process for private research grants is also lengthy and unlikely to be complete before her position ends. The unexpected grant termination thus puts her career at risk.

21. Other mentees in my lab have been harmed as well, including from the loss of important career development opportunities that would have been funded by the terminated grants. For example, one staff person is early in her career and submitted her first abstract to a conference in June. These conferences are excellent opportunities to network and advance one's career, particularly early on. Because the grant has been terminated, it can no longer pay for this staff member's travel to attend the conference, and there are no alternative sources of funding that can cover the costs.

22. The amount of effort required to try to save people's jobs and scramble to find new funding has detracted from the mentorship time I can spend with students and the time I can spend focusing on teaching. I was planning on making major improvements to an upcoming course, but now I will not have the time. I also would normally have summer interns, but I do not have any money to fund them or any time to devote to them.

23. The government's actions also affect my own career options. The grant terminations make it near-impossible for me to change jobs if needed, effectively making me powerless to leave Columbia. I would not want to abandon my research projects, but I also would not be able to transfer the grants in their current terminated state. It would be very difficult for me to find a job under these circumstances, since it is a prerequisite for hiring at most research-focused universities to be the principal investigator of large federal grants. As my terminated grants demonstrate, developing research proposals and applying for these types of grants is a significant undertaking that can take years.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8 day of May 2025.

Teresa Janevic

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Supplemental Declaration of Joseph Slaughter (Witness C)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No.1:25-cv-02429-MKV

Supplemental Declaration of Joseph R. Slaughter

I, Joseph R. Slaughter, declare as follows:

1. I am an Associate Professor of English and Comparative Literature at Columbia. I am also the Director of the Institute for the Study of Human Rights ("ISHR") at Columbia. I previously submitted a sealed declaration in this action describing my background. *See* Declaration of Witness C (signed March 31, 2025).

2. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

3. I initially filed my declaration in this action under seal, and with some trepidation I now submit it unsealed. I am concerned that simply attesting to the facts contained therein exposes me to potential harassment and retaliation from the administration, the university, or outside actors. However, the very fear of such unwarranted consequences itself testifies clearly to the chilling

effects of the administration's actions. As such, I conclude that it is important to document both the chilling effects and the fear of retaliation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 23 May 2025

Signed:

Joseph R. Slaughter
Associate Professor of English
& Comparative Literature

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Supplemental Declaration of Andrew Geneslaw (Witness K)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

SUPPLEMENTAL DECLARATION OF ANDREW GENESLAW

I, Andrew Geneslaw, hereby declare as follows:

1. I am an Assistant Professor of Pediatrics at the Columbia University Irving Medical Center (CUIMC), where I also serve as the Program Director for the Pediatric Critical Care Medicine Fellowship. I previously submitted a sealed declaration in this action describing my background. *See* Declaration of Witness K (May 8, 2025).

2. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

3. I initially sought to submit my declaration in this action under seal because I am frightened of the personal and professional risk that I may incur by speaking out about the harms caused by the government's actions, including the chilling of speech. But I believe that it is my duty as a citizen and physician to speak about these issues, and the fact that I am frightened highlights all the more clearly why it is necessary to speak. Although I continue to be afraid of the risks, I am willing to make my declaration public in light of the Court's decision on sealing,

as I understand the only alternative is to withdraw the submission. Others in my field may legitimately feel the risk is too great for them depending on their appearances, religious/cultural backgrounds, or family situations, and I hope that my own speech can be of service to them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 22 day of May 2025.

Andrew Geneslaw

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Amended Declaration of Melanie Wall (Witness A)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. et al., Defendants.	**Case No.1:25-cv-02429-MKV**

Amended Declaration of Melanie M. Wall

I, Melanie M. Wall, declare as follows:

1. I am a Professor of Biostatistics with tenure in the Department of Biostatistics at the Mailman School of Public Health. I am also the Director of Mental Health Data Science in the Department of Psychiatry at the Columbia University Irving Medical Center ("CUIMC") and the New York State Psychiatric Institute.

2. I have a PhD in statistics from Iowa State University and a B.S. in mathematics from Truman State University. I have been a member of the Columbia faculty since 2010.

3. My research focuses on modeling complex multilevel and multimodal data on a wide array of psychosocial public health and psychiatric research questions in both clinical studies and large epidemiologic studies. My current research mission is improving the accessibility and application of state-of-the-art and reproducible statistical methods across different areas of psychiatric research.

4. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

5. I am a member of the American Association of University Professors ("AAUP") and American Federation of Teachers ("AFT").

6. My salary – similar to many faculty at CUIMC– is nearly 100 percent covered by grant funding. There is a direct relationship between my salary and grant funding, hence if I lose grant funding, I may lose whatever portion of my salary that grant funded unless I can find something else to replace it.

7. As Director of Mental Health Data Science in the Department of Psychiatry at CUIMC, I am the co-investigator on 20 federal grants. In total, at least 6 of the grants I am a co-investigator on have been terminated. These grants account for 35 percent of my salary.

8. I am aware of two grants on which I am a co-investigator which have been officially terminated by NIH "due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students." The notices state that termination of these grants was a "final decision of the NIH."

9. The first grant is a 2 year approximately $ 3 million grant which began in 2024 to study the relationship between U.S. adolescent brain structure development and acute and chronic stresses experienced when living in harmful, chronically adverse environments and how these ultimately are associated with development of substance use disorders. The second grant is a 4 year approximately $ 790,000 grant which began in 2021 to study trust in and trustworthiness of precision medicine research among disability and scientific communities. This important topic aims to ensure medical progress in precision medicine is widely acceptable and reaches all types of communities, including people with mobility, vision and hearing disabilities (the most common

disabilities in the U.S.). Terminations of these grants affect all members of the research teams who rely on the grants for their salaries and also affects the study subjects, who now must be told their involvement is no longer needed. It is extremely challenging to recruit subjects to research studies like these and ending abruptly breaks trust with the community, reducing the likelihood subjects will want to enroll with Columbia researchers in the future.

10. I am also a co-investigator on one grant which Columbia administration officials have notified investigators is terminated as part of the $ 400 million funding cuts. The grant is a 6-year approximately $ 520,000 grant which began in 2019 to study the impact of stress on heavy drinking and intimate partner aggression in women. Similar to the projects above where I am co-investigator, this project also funds a portion of my salary.

11. I also am a mentor to many young researchers including graduate students and post-doctoral health science researchers. Four NIH T32 training programs which support these young and future health scientists that I serve as a mentor for have been terminated – three were informed by Columbia officials their grants were on a list of grants that were cancelled by the administration as part of the $ 400 million in funding terminations. One received notice from the NIH that it was cancelled "due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students."

12. These NIH T32 training grants are essential for training the next generation of health scientists and provide critical funding for training and skill development in addition to pure research. Additionally, NIH T32 grants are specifically designed to develop American scientific expertise and only citizens or lawful permanent residents are eligible to apply. By terminating these grants, it makes recruiting American students to health science even more difficult than it is already.

13. The termination of these federal grants is already causing substantial hardship for myself and those I supervise.

14. We are required to map out financial resources needed to cover next fiscal year salaries for ourselves and our teams. Now, with the abrupt termination of federal NIH grant funding, I have had to resort to using unrestricted financial resources that I had been saving at CUIMC for a future sabbatical in order to cover my salary. With the current amount of grant terminations, that unrestricted money is already projected to not be enough for the next fiscal year.

15. Without additional external funding, it is likely that staff on the various terminated grants will have to be let go, and some faculty will either have to take salary reductions or be reduced to part time.

16. None of the work funded by these grants was related to Israel, Palestine, Judaism, or any topic related in any way to antisemitism. To my knowledge, the research teams I collaborate with on these grants have never faced any investigation or complaint related to antisemitism.

17. I sought to submit my initial declaration under seal because I was afraid that filing it publicly might lead to negative consequences. I am still afraid of those consequences, but I am willing to make this amended declaration public in light of the Court's decision on sealing, as I understand the only alternative is to withdraw the submission. Others in my field may feel the risk is too great for them to participate publicly, and I hope my participation can support them.

18. I am aware that the current administration has taken a series of actions targeting Columbia. In particular, I am aware that on February 3, 2025, the U.S. Department of Education announced an investigation into Columbia. I am aware that on February 28, the federal Task Force to Combat Anti-Semitism announced that it would visit the Columbia campus. I am aware that on March 3, 2025, several federal agencies announced that they would review funding to Columbia.

I am aware that on March 7, 2025, several federal agencies announced $ 400 million in grant cancellations to Columbia, and stated that that "[t]hese cancellations represent the first round of action and additional cancellations are expected to follow." Most recently, I am aware that on March 13, 2025, officials from the General Services Administration (GSA), the Department of Health and Human Services (HHS), and the Department of Education (ED) sent a letter to Columbia that was made public, and demanded that Columbia immediately take a long list of actions as a precondition of further negotiations regarding federal funding. I am aware that Columbia adopted numerous of these policy demands on March 21, 2025.

19. I understand that Title VI and its implementing regulations require the government to provide notice and opportunity for a hearing, followed by a finding on the record, before terminating federal funding to any program or part thereof based on a violation of Title VI. I was not provided any such notice, and I am not aware of any such notice having been provided or any such hearing occurring prior to the termination of $ 400 million in federal funding to Columbia.

20. I understand that Title VI requires federal agencies to provide a full report to Congress thirty days before terminating federal funds under Title VI. I am not aware of any federal agencies providing any such report to Congress regarding funding to Columbia. If any such report had been filed, I likely would have contacted my congressional representatives to express my opposition to termination of the federal funding that supports my work.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 5-22-2025

Signed: Melanie M. Wall

Melanie M. Wall
Professor of Biostatistics

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Amended Declaration of Safia Southey (Witness E)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE. *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

AMENDED DECLARATION OF SAFIA SOUTHEY

I, Safia Southey, declare as follows:

1. I am a J.D. candidate at Columbia Law School, where I serve as Co-President of the Human Rights Association, Professional Development Chair of the International Law Society, and a member of the Philip C. Jessup International Law Moot Court team. I submit this declaration in support of the plaintiffs in the above-captioned case.

2. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

3. My academic work and professional training center on international law, transitional justice, and human rights. Through Columbia's Human Rights Clinic, I work under the supervision of clinical faculty on legal advocacy and research, including environmental accountability in transitional justice processes and international humanitarian law.

4. My legal education and professional development depend on an academic environment that protects intellectual freedom, open inquiry, and rigorous debate. The sudden withdrawal of federal funding and the threat of further financial penalties have directly harmed that environment. Projects that once benefited from cross-institutional collaboration have slowed down, and the loss of support for interdisciplinary work has had a noticeable impact.

5. More damaging than the loss of funding, however, is the climate of fear and self-censorship that has followed the federal government's punitive measures. I have witnessed peers and faculty grow increasingly reluctant to participate in academic discussions that touch on contested legal or policy issues. In my own experience, I have faced subtle but clear signals that my legal research—despite its grounding in international law—is now seen as risky or politically charged. Faculty have hesitated to support projects they once encouraged, and students have withdrawn from conversations that previously would have been commonplace in classrooms and working groups.

6. As a Jewish student, I have also found myself afraid to voice my opinions, even in spaces that should be open to nuanced discussion. The current climate has made it difficult for me to speak openly as a liberal Jew—especially when my views do not fit neatly into dominant narratives. I fear professional consequences, alienation, or backlash for expressing perspectives that do not align with institutional responses or government rhetoric. Instead of fostering open dialogue, Columbia's handling of these issues has deepened divisions and left many Jewish students, including myself, feeling isolated in conversations about identity, justice, and human rights.

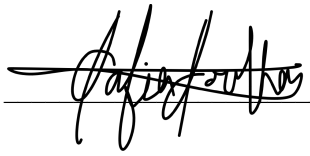
7. This chilling effect undermines not only our ability to engage in free academic inquiry but also our capacity to be trained as lawyers in a global legal landscape that demands exposure to controversial and politically sensitive topics. I have felt compelled to alter the framing of my work, remove references in public presentations, and self-censor in academic settings out of concern for institutional or reputational consequences. I now routinely consider whether my speech could result in administrative scrutiny or jeopardize opportunities I've worked hard to earn.

8. The fear of retribution is especially acute for students like me who are visible leaders in human rights and international law spaces. The pressure to appear apolitical, even when engaging in legal analysis grounded in precedent and treaty law, has distorted what should be a space of critical learning. That pressure is compounded by the uncertainty surrounding what kinds of speech or academic work might provoke administrative attention, especially when institutional responses appear to be shaped by federal directives.

9. The federal government's approach—demanding sweeping changes to university policy under threat of continued funding withdrawal—has not only chilled expression but has also encouraged institutional behavior that prioritizes risk-aversion over academic freedom. I have experienced a heightened sense of scrutiny and professional isolation, despite working within well-established legal frameworks. In spaces that once encouraged difficult questions and honest disagreement, many students and faculty now speak in guarded terms or choose silence.

10. The constitutional harm here is not abstract. It has altered how I approach my education, how I participate in legal scholarship, and how I imagine my role as an advocate. That harm is ongoing—and, unless remedied, it will fundamentally reshape higher education into a space defined by compliance with political orthodoxy rather than academic inquiry and intellectual courage.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed: 

Date: 5/23/25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV

Amended Declaration of Anne Li (Witness I)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, et al., Defendants.	Case No. 1:25-cv-02429-MKV

Amended Declaration of Anne Li

I, Anne Li, hereby declare as follows:

1. I am over the age of eighteen and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.
2. I submit this declaration in support of AAUP and AFT against the United States Department of Justice and other Defendants.
3. I recently graduated from Columbia Law School. I was a student in good standing during the 2024-2025 academic year.
4. The March 13 letter from Defendants made me feel threatened by the government's demand that Columbia target unfavorable political speech through escalated disciplinary measures.
5. On March 21, Melanie J. Bernitz, who is a the Interim Executive Vice President of University Live at Columbia sent a message to all students stating that Columbia's

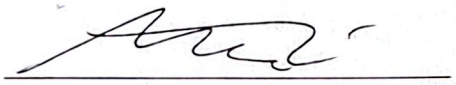
response to the March 13 demands had been misconstrued by the media. This message undermined my confidence in the rule of law because it directs students to credit Columbia's own claims about the Trump administration's actions above any independent reporting. Specifically, it states that independent news reports "can create distress and anxiety, and don't always tell the full story. I encourage you to continue to refer to University communications to stay updated." This message further undermined my confidence in Columbia's commitment to free speech because it also emphasizes that students should focus on their own studies and ignore current events, which is responsive to the Trump administration's demands. This instruction is completely at odds with how I pursue my education at Columbia Law School—an institution dedicated to free inquiry and a rich understanding of current events.

6. Classmates have noted that they fear being targeted and having their visas revoked based on political involvement, including mere membership on student organization boards. Several classmates have stated that they choose to not engage in any further visible political speech due to fear of reprisal.
7. At a student group meeting I attended, the group elected to moderate its speech on Palestine explicitly out of fear that the law school administration would bow to pressure from the Trump administration and target board members to revoke their visas.
8. When speaking about the Trump administration's actions, I constantly weigh the visibility, content, and tone of my speech specifically for fear of reprisal. I am still willing to make bland, public critiques only due to my good academic records.
9. In choosing to sign this affidavit, I consulted with family over the possible repercussions of doing so, because I sincerely believe that the Trump administration will make

Columbia retaliate against students who engage in direct criticism of its recent choices. I initially sought to submit the declaration under seal because of that concern, as I had not yet graduated when I submitted my original declaration.

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 5/23/25



Anne Li

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS., et al.	*	
Plaintiffs	*	Civil Case No. 25-cv-02429 (MKV)
v.	*	
U.S. DEPARTMENT OF JUSTICE, et al.	*	
	*	
Defendants	*	

* * * * * * * * *

AMENDED DECLARATION OF JON LORSCH, Ph.D.

I, Jon Lorsch, Ph.D., hereby declare that my testimony below is true and correct to the best of my knowledge and belief and is given under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am the Acting Deputy Director for Extramural Research at the National Institutes of Health (NIH), an operating division of the U.S. Department of Health and Human Services (HHS). I have held this position since April 7, 2025.

2. In addition to my current role, I am the Director of the National Institute of General Medical Sciences (NIGMS), a position I have held since 2013, where I oversee NIGMS's mission-related activities, supporting basic research that increases understanding of biological processes and lays the foundation for advances in disease diagnosis, treatment, and prevention. I am also a Senior Investigator in the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), a position I have held since 2014.

3. As Acting Deputy Director for Extramural Research, I am the principal scientific

advisor to the NIH Director on all matters relating to the substance, quality, and effectiveness of the NIH extramural research program. I am responsible for overseeing the Office of Extramural Research under the Office of the NIH Director. The Office of Extramural Research "provides the corporate framework for the NIH research administration and works to ensure the scientific integrity, public accountability, and effective stewardship of the NIH research grant portfolio." Office of the Director, NIH, https://www.nih.gov/about-nih/what-we-do/nih-almanac/office-director-nih (last visited April 22, 2025).

4. I make this declaration based on personal knowledge acquired by me in the course of performing my official duties, information contained in the records of the relevant HHS components, and information supplied to me by current employees of the relevant HHS components.

5. The NIH funds biomedical and behavioral research. Its mission is "to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life, and reduce illness and disability." *See* https://www.nih.gov/about-nih/what-we-do/mission-goals (last accessed April 28, 2025). As one of eight agencies of the U.S. Public Health Service, 42 U.S.C. 281(b), the NIH is an operating division of HHS. The NIH's authority to conduct and sponsor research and set research priorities arises from the Public Health Services Act (PHSA), 42 U.S.C. § 241, et seq.

6. Section 301 of the PHSA, 42 U.S.C. § 241, sets forth the general authority of the Secretary of Health and Human Services to conduct and support "research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man. . . ." This authority has been

delegated to the Director of the NIH, and further delegated to the Directors of each institute within the NIH.

7. Section 402 of the PHSA, 42 U.S.C. § 282, is the foundational authority of the NIH Director which includes authority to conduct "priority-setting reviews," "assess research priorities," and "ensure that the resources of the [NIH] are sufficiently allocated . . . ." *See, e.g.,* Section 402(b)(4),(5), and (6). This is consistent with the NIH's inherent authority to determine funding priorities in awarding discretionary grants within a finite amount of appropriations.

8. The NIH exercises broad discretion in awarding and administering grants. The Secretary awards grants "to those applicants whose approved projects will in the Secretary's judgment best promote the purposes of the statute authorizing the grant and the regulations of this part." 42 CFR § 52(a). The applicants for and recipients of NIH grant awards are institutions, which designate a principal investigator to lead the scientific and technical direction of research projects funded under the grant. 2 CFR § 200.1, 42 CFR § 52.2.

9. Consistent with the discretionary nature of NIH grants, and the finite amount of the NIH's appropriations, the process of selecting and awarding grants is highly competitive. Due to finite resources, the NIH is only able to fund approximately 20% of grant applications. *See* https://report.nih.gov/nihdatabook/category/10 (last accessed April 28, 2025). Accordingly, one of the NIH's core functions is to serve as an effective steward of the extramural research portfolio by ensuring that the limited available funding is directed to only the most promising science consistent with agency priorities.

10. Through the NIH grant award, the NIH agrees to support the recipient with a specified level of funding for a specific period. The award document, in turn requires recipients

of NIH grant funds to comply with all Federal statutes, regulations, policies, and terms and conditions stated in the Notice of Award (NOA). The NOA is the governing legal document.

11. The NIH Grants Policy Statement (GPS) is a term and condition applicable to all NIH grant awards. Since 2021, the NIH GPS has stated that its grant terms and conditions, including terms and conditions in 2 CFR Part 200, are incorporated into NIH NOAs. A copy of the relevant sections of the current NIH GPS are attached as Exhibit A. Recipients accept the terms of the NOAs when they draw down funds from the Payment Management System (PMS). One term and condition of the NOA is therefore 2 CFR § 200.340, which allows the Government to terminate a grant "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." 2 CFR § 200.340; *see also* GPS 8.5.2 (stating "NIH may also terminate the grant in whole or in part as outlined in 2 CFR Part 200.340").

12. As a grantee, Columbia University was subject to the above laws, regulations, policies, and terms and conditions.

13. On January 29, 2025, President Trump issued Executive Order 14188, entitled "Additional Measures to Combat Anti-Semitism," which instructed agencies to combat antisemitism vigorously. In February 2025, a multi-agency task force was created for purposes of combatting antisemitism.

14. On February 10, 2025, Dorothy A. Fink, M.D., HHS Acting Secretary, issued a Secretarial Directive on DEI-Related Funding (Secretarial Directive). Exhibit B. This Secretarial Directive was issued pursuant to HHS authorities "to ensure that taxpayer dollars are used to advance the best interests of the government . . . [which] includes avoiding expenditure of federal funds on programs . . . . that discriminate on the basis of race, color, religion, sex,

national origin, or another protected characteristic." *Id.* The Secretarial Directive directed the "review of. . . grants to determine whether those . . . grants are in the best interest of the government and consistent with current policy priorities." *Id.*

15. Consistent with the Secretarial Directive, on February 21, 2025, the Acting Director for the NIH issued a Directive on NIH Priorities, Restoring Scientific Integrity and Protecting the Public Investment in NIH Awards ("Directive"). Exhibit C. This Directive expressed that the NIH is "committed to promoting only the highest level of scientific integrity, public accountability, and social responsibility in the programs it funds." *Id.* The Directive stated, "[g]rants, contracts, cooperative agreements, and other transactions deemed inconsistent with the NIH's mission may, where permitted by applicable law, be subject to funding restrictions, terminated or partially terminated, paused, and/or not continued or renewed, in compliance with all procedural requirements." *Id.*

16. On March 7, 2025, HHS placed a hard funds restriction on all Columbia awards HHS-wide. A "hard funds restriction" means that if Columbia tried to draw down funds from the PMS for expenses incurred after the restriction was put in place, they would not be able to do so without further approval. The payment restriction is an operational mechanism and does not terminate or otherwise cancel grant awards.

17. On March 10, 2025, the NIH Director of the Office of Policy for Extramural Research Administration (OPERA) sent Columbia University correspondence notifying the University that approximately 233 grants would be terminated for nonalignment with agency priorities of funding safe research environments. The NIH sent a second letter on March 14, 2025, regarding an additional 29 grants. The grants in the letters were identified as inconsistent with NIH policy and requirements, as outlined in the NIH GPS and 2 CFR § 200.340(a)(4), which provides for

termination "if any award no longer effectuates the program goals or agency priorities." A copy of the March 10 correspondence to Columbia University is attached as Exhibit D, and a copy of the March 14 correspondence is attached as Exhibit E. Each letter stated that the identified awards no longer effectuated agency priorities and failed to satisfy NIH stewardship obligations and criteria to ensure taxpayer funds are used in ways "that benefit the American people and improve their quality of life." *Id.* The letters further stated that it is the NIH's policy that funded institutions should foster "safe, equal, and healthy working and learning conditions conducive to high-quality research and free inquiry." *Id.* Recent events, including antisemitism and actions concerning the safety and wellbeing of Jewish students taking place at Columbia University and Columbia University's inaction, contradict that policy. *Id.* The letters also indicated that the NIH considered alternatives to terminating the funding but concluded that there were no viable alternatives. *See id* at. 2. The NIH did not terminate the grants pursuant to Title VI of the Civil Rights Act.

18. The NIH is the only division or sub-agency within HHS to terminate grant awards with Columbia University due to antisemitic conduct on Columbia's campus.

19. To effectuate the March 10, 2025 and March 14, 2025 termination letters, the NIH began the process of issuing a revised NOA for each grant. Of the grants listed on the spreadsheets attached to the NIH's March 10 and March 14 letters, the NIH issued revised NOAs for approximately 148 before pausing that process pending negotiations with Columbia University about restoring the funding. On April 11, 2025, the NIH notified Columbia University that a number of the grants referenced in the March 10 and March 14 letters would be reinstated because of progress made in the negotiations. Seven of these had already had termination NOAs

sent out; the NIH sent further revised NOAs reinstating those seven. Negotiations regarding restoring the grant funding are ongoing.

20. The NIH has established a first-level grant appeal procedure for Columbia University and its affiliate institutional grant recipients to challenge these terminations. As reflected in the March 10, 2025 and March 14, 2025 letters, NIH policy provides for an administrative appeal to object and provide information and documentation challenging the terminations. Though the letters stated that appeals had to be submitted to the NIH as directed "no later than 30 days after" the letters were received, *id,* the deadline for appeals submission has been extended until June 23, 2025, with the potential for further extensions.

21. Additionally, on or after March 7, 2025, HHS components, including NIH, terminated contracts with Columbia for convenience. A copy of a sample termination notice is attached as Exhibit F.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of May, 2025.

_____
JON LORSCH

EXHIBIT A

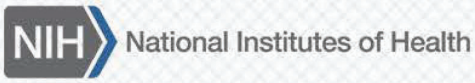


NIH GRANTS POLICY STATEMENT

US DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH





APRIL 2024

PART II: TERMS AND CONDITIONS OF NIH GRANT AWARDS

Subpart A: General

3 OVERVIEW OF TERMS AND CONDITIONS

Part II includes the terms and conditions of NIH grants and cooperative agreements and is incorporated by reference in all NIH grant and cooperative agreement awards. Subpart A (IIA) includes those terms and conditions that apply, in general, to NIH awards. Subpart B (IIB) either expands on IIA coverage or specifies additional or alternate terms and conditions for particular types of awards, recipients, or activities.

These terms and conditions are not intended to be all-inclusive. All awards or a specified subset of awards also may be subject to additional requirements, such as those included in executive orders and appropriations acts.

NIH recipients are responsible for complying with all requirements of the Federal award. NIH grants awards are based on the application submitted to, and approved by, the NIH and are subject to the terms and conditions incorporated either directly or by reference in the following:

- The grant program legislation and program regulation cited in the NoA.
- The NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts. This also includes any recent legislation.
- 2 CFR Part 200.
- The NoA including all terms and conditions cited on the document or attachments.

Notice of requirements not specified in the NIHGPS generally will be provided in the NoA, but such notice is not required for the award to be subject to the requirements of pertinent statutes and regulations. An individual award also may contain award-specific terms and conditions. For example, the GMO may include terms or conditions necessary to address concerns about an applicant's management systems.

Program and administrative policies and the terms and conditions of individual awards are intended to supplement, rather than substitute for, governing statutory and regulatory requirements. Thus, the requirements of the NIHGPS apply in addition to governing statutory and regulatory requirements not cited herein, and award-specific terms apply in addition to the requirements of the NIHGPS.

This NIHGPS is an aid to the interpretation of statutory and regulatory requirements. These terms and conditions are intended to be compliant with governing statutes and the requirements of 2 CFR Part 200, as modified by previously approved waivers and deviations. However, in the case of a conflict, the statutes and regulations govern.

If there is a perceived conflict between or among these three categories of requirements—statutory and regulatory requirements, the terms and conditions in the NIHGPS, and award-specific terms and conditions—or if the recipient has other questions concerning award terms and conditions, the recipient

should request written clarification from the GMO. This may be done at any time; however, if the inclusion of the term or condition would cause the recipient not to accept the award or to be unable to comply, the question should be raised before funds are requested from the HHS payment system. By drawing funds from the HHS payment system, the recipient agrees to the terms and conditions of the award.

3.1 FEDERALWIDE STANDARD TERMS AND CONDITIONS FOR RESEARCH GRANTS

In order to create greater consistency in the administration of Federal research awards, all Federal research agencies now utilize a standard core set of administrative terms and conditions on research and research-related awards that are subject to 2 CFR Part 200, to the extent practicable. The core set of administrative requirements for participating Federal research agencies and other pertinent documents are posted on the National Science Foundation's web site. Recipients are encouraged to review the companion documents which include a Prior Approval Matrix, National Policy Requirement Matrix, Subaward Requirement Matrix, and Agency-Specific Requirements. NIH implementation of these Federalwide research terms and conditions is also known as the "NIH Standard Terms of Award".

See Administrative Requirements—Changes in Project and Budget—NIH Standard Terms of Award for more details.

before taking action unless public health or welfare concerns require immediate action. However, even if a recipient is taking corrective action, NIH may take proactive actions to protect the Federal government's interests, including placing specific conditions on awards or precluding the recipient from obtaining future awards for a specified period, or may take action designed to prevent future non-compliance, such as closer monitoring.

8.5.1 Specific Award Conditions: Modification of the Terms of Award

During grant performance, the GMO may include specific award conditions in the grant award to require correction of identified financial or administrative deficiencies as a means of protecting NIH's interests and effecting positive change in a recipient's performance or compliance. When specific conditions are imposed, the GMO will notify the recipient in writing of the nature of the conditions, the reason why they are being imposed, the type of corrective action needed, the time allowed for completing corrective actions, and the method for requesting reconsideration of the conditions. See 42 CFR Part 52.9 and 2 CFR Part 200.339.

The NIH awarding IC may withdraw approval of the PD/PI or other senior/key personnel specifically referenced in the NoA if there is a reasonable basis to conclude that the PD/PI and other such named senior/key personnel are no longer qualified or competent to perform the research objectives. In that case, the awarding IC may request that the recipient designate a new PD/PI or other named senior/key personnel.

Generally, the decision to modify the terms of an award (e.g., by imposing specific award conditions) is discretionary on the part of the NIH awarding IC and is not appealable.

8.5.2 Remedies for Noncompliance or Enforcement Actions: Suspension, Termination, and Withholding of Support

If a recipient has failed to comply with the terms and conditions of award, NIH may take one or more enforcement actions which include disallowing costs, withholding of further awards, or wholly or partly suspending the grant, pending corrective action. NIH may also terminate the grant in whole or in part as outlined in 2 CFR Part 200.340. The regulatory procedures that pertain to suspension and termination are specified in 2 CFR Parts 200.340 through 200.343.

a. NIH or the pass-through entity must provide the non-Federal entity a notice of termination

b. If the award is terminated for the non-Federal entity's material failure to comply with the Federal statutes, regulations, or terms and conditions of the Federal award, the notification must state that:
    1. The termination decision will be reported to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS);
    2. The information will be available in the OMB-designated integrity and performance system for a period of five years from the date of the termination, then archived;
    3. Awarding agencies that consider making a Federal award to the non-Federal entity during that five year period must consider that information in judging whether the non-Federal entity is qualified to receive the Federal award, when the Federal share of the Federal award is expected to exceed the simplified acquisition threshold over the period of performance;
    4. The non-Federal entity may comment on any information the OMB-designated integrity and performance system contains about the non-Federal entity for future consideration by HHS awarding agencies. The non-Federal entity may submit comments to the recipient integrity and performance portal accessible through CPARS.
    5. Federal awarding agencies will consider the non-Federal entity comments when determining whether the non-Federal entity is qualified for a future Federal award.

c. Upon termination of an award, NIH must provide the information required under FFATA to the Federal web site established to fulfill the requirements of FFATA and update or notify any other relevant government-wide systems or entities of any indications of poor performance as required by 41 U.S.C. 417b and 31 U.S.C. 3321. See also the requirements for Suspension and Debarment at 2 CFR Part 180.

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. However, NIH may decide to terminate the grant if the recipient does not take appropriate corrective action during the period of suspension. NIH may immediately terminate a grant when necessary, such as to protect the public health and welfare from the effects of a serious deficiency. Termination may be appealed under NIH and HHS grant appeals procedures (see Administrative Requirements—Grant Appeals Procedures).

A grant also may be terminated, partially or totally, by the recipient or by NIH with the consent of the recipient. If the recipient decides to terminate a portion of a grant, NIH may determine that the remaining portion of the grant will not accomplish the purposes for which the grant was originally awarded. In any such case, NIH will advise the recipient of the possibility of termination of the entire grant and allow the recipient to withdraw its termination request. If the recipient does not withdraw its request for partial termination, NIH may initiate procedures to terminate the entire grant.

See Cost Considerations—Allowability of Costs/Activities—Selected Items of Cost for the allowability of termination costs. Allowability of these costs does not vary whether a grant is terminated by NIH, terminated at the request of the recipient, or terminated by mutual agreement.

Withholding of support is a decision not to make a non-competing continuation award within the current competitive segment. Support may be withheld for one or more of the following reasons:

- Adequate Federal funds are not available to support the project.
- A recipient failed to show satisfactory progress in achieving the objectives of the project.
- A recipient failed to meet the terms and conditions of a previous award.

- For whatever reason, continued funding would not be in the best interests of the Federal government.

The recipient may appeal NIH's determination to deny (withhold) a non-competing continuation award because the recipient failed to comply with the terms and conditions of a previous award.

8.5.3 Other Enforcement Actions

Depending on the nature of the deficiency, NIH may use other means of promoting recipient compliance. Other options available to NIH include, but are not limited to conversion from an advance payment method to a reimbursement method or disallow (deny) all or part of the cost of the activity or action not in compliance. Other actions may include suspension or debarment of an organization or individual under Government-wide Debarment and Suspension rules provided at 45 CFR Part 76, and other available legal remedies, such as civil action. Suspension under 45 CFR Part 76, implementing E.O.s 12549 and 12689, "Debarment and Suspension," is a separate action from the "suspension" of an award as a post-award remedy, as described in Suspension, Termination, and Withholding of Support above. The subject of debarment and suspension as an eligibility criterion is addressed in Completing the Pre-Award Process—Determining Eligibility of Individuals and Public Policy Requirements and Objectives—Debarment and Suspension.

8.5.4 Recovery of Funds

NIH may identify and administratively recover funds paid to a recipient at any time during the life cycle of a grant. Debts may result from cost disallowances, unobligated balances, unpaid share of any required matching or cost sharing, funds in the recipient's account that exceed the final amount determined to be allowable, or other circumstances. NIH guidance on the repayment of grant funds that are unrelated to audit findings can be found on the OER Web site.

8.5.5 Debt Collection

The debt collection process is governed by the Federal Claims Collection Act, as amended (Public Law [P.L.] 89-508, 80 Stat. 308, July 19, 1966); the Federal Debt Collection Act of 1982 (P.L. 97-365, 96 Stat. 1749, October 25, 1982); the Debt Collection Improvement Act (P. L.104-134, 110 Stat. 1321, April 26, 1996); and, the Federal Claims Collection Standards (31 CFR Parts 900-904), which are implemented for HHS in 45 CFR 30. NIH is required to collect debts due to the Federal government and, except where prohibited by law, to charge interest on all delinquent debts owed to NIH by recipients.

When NIH determines the existence of a debt under a grant, written debt notification will be provided to the recipient. Unless otherwise specified in law, regulation, or the terms and conditions of the award, debts are considered delinquent if they are not paid within 30 days from the date the debt notification is mailed to the recipient. Delinquent debts are subject to the assessment of interest, administrative cost charges, and penalties. The interest on delinquent debts accrues on the amount due beginning on the date the debt notification is mailed to the recipient.

If a recipient appeals an adverse monetary determination under 42 CFR Part 50, Subpart D, or 45 CFR Part 16, interest will accrue but assessment will be deferred pending a final decision on the appeal. If the appeal is not successful, interest will be charged beginning with the date the debt notification was mailed to the recipient, not the date of the appeal decision. Interest charges will be computed using the prevailing rate in effect on the date the debt notification is mailed, as specified by the Department of the Treasury and 45 CFR Part 30.13(a)(2).

EXHIBIT B

DEPARTMENT OF HEALTH & HUMAN SERVICES
Office of the Secretary
Washington, D.C. 20201

SECRETARIAL DIRECTIVE ON DEI-RELATED FUNDING

February 10, 2025

The Department of Health and Human Services has an obligation to ensure that taxpayer dollars are used to advance the best interests of the government. This includes avoiding the expenditure of federal funds on programs, or with contractors or vendors, that promote or take part in diversity, equity, and inclusion ("DEI") initiatives or any other initiatives that discriminate on the basis of race, color, religion, sex, national origin, or another protected characteristic. Contracts and grants that support DEI and similar discriminatory programs can violate Federal civil rights law and are inconsistent with the Department's policy of improving the health and well-being of all Americans.

These contracts and grants can cause serious programmatic failures and yet it is currently impossible to access sufficient information from a centralized source within the Department of Health and Human Services to assess them. Specifically, there is no one method to determine whether payments the agency is making to contractors, vendors, and grantees for functions related to DEI and similar programs are contributing to the serious problems and acute harms DEI initiatives may pose to the Department's compliance with Federal civil rights law as well as the Department's policy of improving the health and well-being of all Americans. It is also currently impossible to assess whether payments the Department is making are free from fraud, abuse, and duplication, as well as to assess whether current contractual arrangements, vendor agreements, and grant awards related to these functions are in the best interests of the United States. *See* FAR 12.403(b), 49.101; 45 C.F.R. § 75.371-372. Finally, it is also impossible to determine with current systems whether current contracts and grant awards are tailored to ameliorate these specific problems and the broader problem of DEI and similar programs rather than exacerbate them. The Department has an obligation to ensure that no taxpayer dollars are lost to abuse or expended on anything other than advancing the best interests of the nation.

For these reasons, pursuant to, among other authorities, FAR 12.403(b) and 49.101 and 45 C.F.R. § 75.371- 372, the Secretary of Health and Human Services hereby DIRECTS as follows:

> **Agency personnel shall briefly pause all payments made to contractors, vendors, and grantees related to DEI and similar programs for internal review for payment integrity. Such review shall include but not be limited to a review for fraud, waste, abuse, and a review of the overall contracts and grants to determine whether those contracts or grants are in the best interest of the government and consistent with current policy priorities. In addition, if after review the Department has determined that a contract is inconsistent with Department priorities and no longer in the interest of the government, such contracts may be terminated pursuant to the Department's authority to terminate for convenience contracts that are not "in the best interests of the Government," see FAR 49.101(b); 12.403(b). Furthermore, grants may be terminated in accordance with federal law.**

This Directive shall be implemented through the Department's contracts and payment management systems by personnel with responsibility for such systems who shall, in doing so, comply with all notice and procedural requirements in each affected award, agreement, or other instrument. Whenever a DEI or similar contract or grant is paused for review, Department personnel shall immediately send such payment to Scott Rowell, Deputy Chief of Staff for Operations, for prompt review to determine whether or not the payment is appropriate and should be made. Payments on paused contracts shall remain paused and already terminated contracts shall remain terminated pending completion of that review to the maximum extent permitted by law and all applicable notice and procedural requirements in the affected award, agreement, or other instrument.

I thank you for your attention to this matter, as well as your efforts to ensure that no taxpayer dollars are misspent.

Dorothy A. Fink

Dorothy A. Fink, M.D., Acting Secretary

EXHIBIT C

Directive on NIH Priorities

Agency: National Institutes of Health

Office of the Director

Action: Directive

FOR FURTHER INFORMATION CONTACT:

National Institutes of Health

Office of the Director

EFFECTIVE DATE: February 21, 2025

Restoring Scientific Integrity and Protecting the Public Investment in NIH Awards

The National Institutes of Health (NIH) is the largest public funder of biomedical and behavioral research in the world. The public trusts NIH with substantial funds to foster creative discoveries that will improve health and prevent disease in this Country. Accordingly, NIH is committed to promoting only the highest level of scientific integrity, public accountability, and social responsibility in the programs it funds. And NIH promises to prioritize the funding of projects that will generate a high return on the public's investment, so that taxpayer dollars are not going to waste. Every dollar should be used to make Americans live longer, healthier lives.

This mission requires NIH to ensure that it is not supporting low-value and off-mission research programs, including but not limited to studies based on diversity, equity, and inclusion (DEI) and gender identity. While this description of NIH's mission is consistent with recent Executive Orders issued by the President, I issue this directive based on my expertise and experience; consistent with NIH's own obligation to pursue effective, fiscally prudent research; and pursuant to NIH authorities that exist independently of, and precede, those Executive Orders.

Research programs based primarily on artificial and non-scientific categories, including amorphous equity objectives, are antithetical to the scientific inquiry, do nothing to expand our knowledge of living systems, provide low returns on investment, and ultimately do not enhance health, lengthen life, or reduce illness. Worse, DEI studies are often used to support unlawful discrimination on the basis of race and other protected characteristics, which harms the health of Americans. Therefore, it is the policy of NIH not to prioritize such research programs.

Likewise, research programs based on gender identity are often unscientific, have little identifiable return on investment, and do nothing to enhance the health of many Americans. Many such studies ignore, rather than seriously examine, biological realities. It is the policy of NIH not to prioritize these research programs either.

For these reasons and pursuant to, among other authorities, 42 U.S.C. § 282(b) and 45 C.F.R. Part 75 (45 C.F.R. §§ 75.207, 75.210, 75.371–373),[1] the Director of NIH hereby directs:

> NIH personnel shall conduct an internal review of all contract solicitations and notices of funding opportunities; applications pending Type 1 and Type 2 awards; existing awards; cooperative agreements; and other transactions. Such review shall be aimed at ensuring NIH grants, contracts, cooperative agreements, and other transactions do not fund or support low-value and off-mission research activities or projects – including DEI and gender identity research activities and programs. NIH personnel should also ensure grants, contracts, cooperative agreements, and other transactions are free from fraud, abuse, and duplication, and are being implemented consistent with federal law.

This Directive shall be implemented by all relevant NIH personnel, including but not limited to those in the Office of Extramural Research, Office of Intramural Research, and the Division of Program Coordination, Planning, and Strategic Initiatives. Grants, contracts, cooperative agreements, and other transactions deemed inconsistent with NIH's mission may, where permitted by applicable law, be subject to funding restrictions, terminated or partially terminated, paused, and/or not continued or renewed, in compliance with all procedural requirements.

Notwithstanding this Directive, and consistent with any court orders that may apply, no open award disbursements may be paused in reliance upon Office of Management and Budget Memorandum M-25-13 or any Executive Order underlying that Memorandum. Previous instructions ordering the immediate release of such funds remain in effect. Also, consistent with any court orders that may apply, this Directive does not instruct personnel to condition or withhold federal funding pursuant to Section 4 of Executive Order 14,187 (Protecting Children from Chemical and Surgical Mutilation) based on the fact that a healthcare entity or health professional provides care or treatment.

Dated: February 21, 2025

Matthew J. Memoli, M.D.
Acting Director of NIH

[1] To be clear, these citations are illustrative, not exhaustive. Further explanation of the range of statutory and regulatory authorities that support actions taken pursuant to this Directive will be issued as appropriate.

EXHIBIT D

National Institutes of Health
Office of Extramural Research

March 10, 2025

Angela V. Olinto, Ph.D.
Provost, Columbia University
Email: provost@columbia.edu

Dear Dr. Olinto:

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),[1] 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."[2] According to the GPS, "NIH may … terminate the grant in whole or in part as outlined in 2 CFR Part 200.340."[3] 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[4]—and should not subsidize institutions that are not built on American values of free speech, mutual respect, and open debate. In this vein, NIH is aware of recent events at Columbia University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Columbia'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. Supporting research in such an

[1] https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf.
[2] NIH GPS, Section 3.
[3] *Id.* at Section 8.5.2.
[4] NIH GPS, Section 4.

environment is plainly inconsistent with NIH's priorities and raison d'etre 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,"[5] no corrective action is possible here. The actions described above are incompatible with agency priorities, and no modification of the projects could align the projects with agency priorities.

Costs resulting from financial obligations incurred after termination are not allowable.[6] 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*.[7]

Administrative Appeal

You may object and provide information and documentation challenging these terminations. NIH has established a first-level grant appeal procedure that must be exhausted before you may file an appeal with the Departmental Appeals Board.[8]

You must submit a request for such review to Director Memoli 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. Memoli may grant an extension of time.[9]

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.[10]

Sincerely,

Michelle G. Bulls -S Digitally signed by Michelle G. Bulls -S Date: 2025.03.10 16:01:39 -04'00'

Michelle G. Bulls
Director, Office Policy for Extramural Administration
Chief Grants Management Officer - National Institutes of Health
Email: michelle.bulls@nih.gov

cc:
William Berger, Assistant Vice President for Sponsored Projects Administration, Columbia University

---

[5] NIH GPS, Section 8.5.2.
[6] *See* 2 C.F.R. § 200.343.
[7] 2 C.F.R. § 200.341(c).
[8] See 42 C.F.R. Part 50, Subpart D.
[9] *Id.* § 50.406(a).
[10] *Id.* § 50.406(b).

EXHIBIT E

National Institutes of Health
Office of Extramural Research

March 14, 2025

Angela V. Olinto, Ph.D.
Provost, Columbia University
Email: provost@columbia.edu

Dear Dr. Olinto:

Effective today, March 14, 2025, 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),[1] 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."[2] According to the GPS, "NIH may … terminate the grant in whole or in part as outlined in 2 CFR Part 200.340."[3] 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[4]—and should not subsidize institutions that are not built on American values of free speech, mutual respect, and open debate. In this vein, NIH is aware of recent events at Columbia University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Columbia'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. Supporting research in such an

[1] https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf.
[2] NIH GPS, Section 3.
[3] *Id.* at Section 8.5.2.
[4] NIH GPS, Section 4.

environment is plainly inconsistent with NIH's priorities and raison d'etre 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,"[5] no corrective action is possible here. The actions described above are incompatible with agency priorities, and no modification of the projects could align the projects with agency priorities.

Costs resulting from financial obligations incurred after termination are not allowable.[6] 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*.[7]

Administrative Appeal

You may object and provide information and documentation challenging these terminations. NIH has established a first-level grant appeal procedure that must be exhausted before you may file an appeal with the Departmental Appeals Board.[8]

You must submit a request for such review to Director Memoli 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. Memoli may grant an extension of time.[9]

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.[10]

Sincerely,

Michelle G. Bulls -S

Digitally signed by Michelle G. Bulls -S
Date: 2025.03.14 09:52:52 -04'00'

Michelle G. Bulls
Director, Office of Policy for Research Administration, OER
Chief Grants Management Officer - National Institutes of Health
Email: michelle.bulls@nih.gov

cc:
William Berger, Assistant Vice President for Sponsored Projects Administration, Columbia University

[5] NIH GPS, Section 8.5.2.
[6] *See* 2 C.F.R. § 200.343.
[7] 2 C.F.R. § 200.341(c).
[8] See 42 C.F.R. Part 50, Subpart D.
[9] *Id.* § 50.406(a).
[10] *Id.* § 50.406(b).

EXHIBIT F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institutes of Health
Eunice Kennedy Shriver National Institute of Child Health and Human Development
Bethesda, Maryland 20892

DATE: March 7, 2025

FROM: Alice Pagán Pereira, Contracting Officer

TO: The Trustees of Columbia University in the City of New York

SUBJECT: Notification of Termination of Multiple Task Orders

Dear Contractor,

Pursuant to FAR Clause 52.249-5, Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) (AUG 2016), the task orders listed below are hereby terminated for the convenience of the Government, effective immediately. No further expenses shall be incurred under the following contract and task orders:

- HHSN201300010I/HHSN27500005 – *"Pharmacokinetic/Pharmacodynamic Evaluation of Levonorgestrel Butanoate of Female Contraception"*
- 75N94020D00013 – *"Contraceptive Development Program NICHD Contraceptive Clinical Trials Network – Female Sites"*
- 75N94020D00013/75N94023F00001 – *"Ovaprene Phase 1 - Protocol Finalization, Procurement of Regulatory Approval, and Complete Start-Up Activities for the Ovaprene Vaginal Device Clinical Trial and Colposcopy Subset"*
- 75N94020D00013/75N94020F00001 - *"Contraceptive Clinical Trials Network – Female Sites - Core Function Activities"*

Additional information will follow.

Should you have any questions, please feel free to reach out.

Alice Pagán Pereira
Contracting Officer
NICHD Office of Acquisitions

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, and AMERICAN FEDERATION OF TEACHERS, Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	Case No. 1:25-cv-02429-MKV **NOTICE OF APPEAL**

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs American Association of University Professors and American Federation of Teachers in the above-captioned case appeal to the United States Court of Appeals for the Second Circuit from the order entered on June 16, 2025 denying Plaintiffs' motion for a preliminary injunction and dismissing the case without prejudice for lack of standing (ECF No. 148).

Dated: June 16, 2025

Respectfully submitted,

By: S/ Orion Danjuma
Orion Danjuma
Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176

orion.danjuma@protectdemocracy.org
rachel.goodman@protectdemocracy.org

Janine M. Lopez*
Catherine Chen*
Protect Democracy Project
2020 Pennsylvania Ave. NW, Suite #163
Washington, D.C. 20006
Tel: (202) 579-4582
Fax: (202) 769-3176
janine.lopez@protectdemocracy.org
catherine.chen@protectdemocracy.org

Eve H. Cervantez*
Stacey M. Leyton*
Matthew J. Murray*
Connie K. Chan*
Juhyung Harold Lee*
Jonathan Rosenthal*
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Tel: (415) 421-7151
Fax (415) 362-8064
ecervantez@altber.com
sleyton@altber.com
mmurray@altber.com
cchan@altber.com
hlee@altber.com
jrosenthal@altber.com

Richard Primus*
The University of Michigan Law School
(institutional affiliation provided for identification purposes only; not representing the University)
625 S. State Street
Ann Arbor, MI 48109
Tel: (734) 647-5543
Fax: (734) 764-8309
PrimusLaw1859@gmail.com

**Pro hac vice* application granted

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2025, I electronically filed the foregoing Joint Appendix with the Clerk of Court for the United States Court of Appeals for the Second Circuit using the ACMS system, which will send notice of such filing to all counsel of record in compliance with Local Rule 25.1(h)(2).

Dated: September 22, 2025

By: s/ Rachel Goodman

Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
rachel.goodman@protectdemocracy.org

Counsel for Plaintiffs-Appellants

No. 25-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, ET AL.,
Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.
Defendants-Appellees.

On Appeal from the United States District Court for the
Southern District of New York
Case No. 1:25-cv-02429-MKV (Hon. Mary Kay Vyskocil)

JOINT APPENDIX (JA937 – JA942)
VOLUME 8 OF 8 (REDACTED)

Orion Danjuma
Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
orion.danjuma@protectdemocracy.org
rachel.goodman@protectdemocracy.org

Eve H. Cervantez
Matthew J. Murray
Connie K. Chan
Juhyung Harold Lee
Jonathan Rosenthal
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Tel: (415) 421-7151
Fax: (415) 362-8064
ecervantez@altber.com
mmurray@altber.com
cchan@altber.com
hlee@altber.com
jrosenthal@altber.com

Additional counsel for Plaintiffs-Appellants:

Katie Schwartzmann
Protect Democracy Project
201 St. Charles Avenue, Ste. 114
New Orleans, LA 70170
Tel: (202) 579-4582
Fax: (202) 769-3176
katie.schwartzmann@protectdemocracy.org

Richard Primus
The University of Michigan Law School
(institutional affiliation provided for identification
purposes only; not representing the University)
625 S. State Street
Ann Arbor, MI 48109
Tel: (734) 647-5543
Fax: (734) 764-8309
PrimusLaw1859@gmail.com

JOINT APPENDIX
TABLE OF CONTENTS

Tab. No.	Docket No.	Date Filed	Description	Page No.
Volume 1				
1			District Court Docket Sheet	JA1
Volume 2				
2	1	03/25/25	Complaint	JA26
3	27	04/03/25	Declaration of Todd Wolfson	JA113
4	28	04/03/25	Declaration of Julie Schmid & Exhibit A (*Condemning Hate and Affirming Freedom of Speech on Campus*, American Federation of Teachers (Nov. 9, 2023))	JA121
5	29	04/03/25	Declaration of Reinhold Martin	JA135
6	29-1	04/03/25	Exhibit A to the Declaration of Reinhold Martin (March 7, 2025 Email from Katrina Armstrong)	JA152
7	30	04/03/25	Declaration of Susan Witte	JA155
8	31	04/03/25	Declaration of Victoria Frye	JA164
9	32	04/03/25	Declaration of Jennifer S. Hirsch	JA169
10	45	04/03/25	Declaration of Veena Dubal	JA178
11	45-1	04/03/25	Exhibit A to the Declaration of Veena Dubal (March 24, 2025 Email from Danna Drori)	JA182
12	47	04/04/25	Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA187
13	47-1	04/04/25	Exhibit 1 to the Declaration of Jonathan Rosenthal (Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020))	JA202

14	47-2	04/04/25	Exhibit 2 to the Declaration of Jonathan Rosenthal (Muzaffer Kaya, *Turkey's Purge of Critical Academia*, Middle East Report 288 (Fall 2018))	JA205
15	47-3	04/04/25	Exhibit 3 to the Declaration of Jonathan Rosenthal (Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*, International Research Group on Authoritarianism and Counter-Strategies (July 22, 2021))	JA217
16	47-4	04/04/25	Exhibit 4 to the Declaration of Jonathan Rosenthal (*Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DJTFP 2024 (July 17, 2024))	JA225
17	47-5	04/04/25	Exhibit 5 to the Declaration of Jonathan Rosenthal (*Agenda47: The American Academy*, DJTFP 2024 (Nov. 1, 2023))	JA229
18	47-6	04/04/25	Exhibit 6 to the Declaration of Jonathan Rosenthal (Henry Reichman, *'The Professors Are the Enemy' Right-wing attacks on academic freedom have real repercussions.*, The Chronicle of Higher Education (Dec. 14, 2021))	JA233
19	47-7	04/04/25	Exhibit 7 to the Declaration of Jonathan Rosenthal (Rod Dreher, *"I would like to see European elites actually listen to their people for a change": An Interview with J.D. Vance*, The European Conservative (Feb. 22, 2024))	JA240
20	47-8	04/04/25	Exhibit 8 to the Declaration of Jonathan Rosenthal (*Leo Terrell, Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism On Campus*, HughHewitt & Duane Patterson (March 19, 2025))	JA252
21	47-9	04/04/25	Exhibit 9 to the Declaration of Jonathan Rosenthal (Feb. 17, 2025 Letter to Georgetown Law School from Edward R. Martin, Jr.)	JA259

22	47-10	04/04/25	Exhibit 10 to the Declaration of Jonathan Rosenthal (Jan Claassen, MD, et al., *Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness*, Columbia University Irving Medical Center (March 3, 2025))	JA262
23	48-1	04/04/25	Exhibit 11 to the Declaration of Jonathan Rosenthal (Timothy Wang, MD, et al., *Nerves Electrify Stomach Cancer, Sparking Growth and Spread*, Columbia University Irving Medical Center (Feb. 19, 2025))	JA269
24	48-2	04/04/25	Exhibit 12 to the Declaration of Jonathan Rosenthal (Julia Wattacheril, MD, MPH, *Training Your Electronic Health Record to Think Like a Liver Doctor*, Columbia University Irving Medical Center (Feb. 20, 2025))	JA277
25	48-3	04/04/25	Exhibit 13 to the Declaration of Jonathan Rosenthal (Financial Overview of Columbia University)	JA283
Volume 3				
26	48-4	04/04/25	Exhibit 14 to the Declaration of Jonathan Rosenthal (Economic Impact of Columbia University)	JA290
27	48-5	04/04/25	Exhibit 15 to the Declaration of Jonathan Rosenthal (Ian Bogost, *A New Kind of Crisis for American Universities*, The Atlantic (Feb. 10, 2025))	JA299
28	48-6	04/04/25	Exhibit 16 to the Declaration of Jonathan Rosenthal (Willem Marx, *Campus protests over the war in Gaza have gone international*, NPR (May 3, 2024))	JA312
29	48-7	04/04/25	Exhibit 17 to the Declaration of Jonathan Rosenthal (Executive Order 14188 Additional Measures To Combat Anti-Semitism (January 29, 2025))	JA321
30	48-8	04/04/25	Exhibit 18 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Justice Department Announces Formation of Task Force to Combat*	JA324

			Anti-Semitism, U.S. Department of Justice (Feb. 3, 2025))	
31	48-9	04/04/25	Exhibit 19 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. Department of Education (Feb. 3, 2025))	JA328
32	48-10	04/04/25	Exhibit 20 to the Declaration of Jonathan Rosenthal (*Statement on Notice From U.S. Department of Education Office of Civil Rights*, Columbia University Office of Public Affairs (Feb. 3, 2025))	JA331
33	49-1	04/04/25	Exhibit 21 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses*, U.S. General Services Administration (March 3, 2025))	JA334
34	49-2	04/04/25	Exhibit 22 to the Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (March 4, 2025))	JA338
35	49-3	04/04/25	Exhibit 23 to the Declaration of Jonathan Rosenthal (*DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth $400 million*, U.S. General Services Administration (March 7, 2025))	JA340
36	49-4	04/04/25	Exhibit 24 to the Declaration of Jonathan Rosenthal (Matthew Haag et al., *Decades Ago, Columbia Refused to Pay Trump $400 Million*, The New York Times (March 21, 2025))	JA345
37	49-5	04/04/25	Exhibit 25 to the Declaration of Jonathan Rosenthal (*Responding to Federal Action*, Columbia Office of the President (March 7, 2025))	JA352
38	49-6	04/04/25	Exhibit 26 to the Declaration of Jonathan Rosenthal (March 13, 2025 Letter to Columbia University	JA356

39	49-7	04/04/25	Exhibit 27 to the Declaration of Jonathan Rosenthal (*Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia*, Columbia University)	JA359
40	49-8	04/04/25	Exhibit 28 to the Declaration of Jonathan Rosenthal (*HHS, ED, and GSA Respond to Columbia University's Actions to Comply with Joint Task Force Pre-Conditions*, U.S. Department of Health and Human Services (March 24, 2025))	JA364
41	49-9	04/04/25	Exhibit 29 to the Declaration of Jonathan Rosenthal (X Post from NIH (March 10, 2025))	JA369
42	49-10	04/04/25	Exhibit 30 to the Declaration of Jonathan Rosenthal (Caroline Lewis, *Hundred of research grants at Columbia canceled following Trump edict, administrator says*, Gothamist (March 11, 2025))	JA372
43	50-1	04/04/25	Exhibit 31 to the Declaration of Jonathan Rosenthal (Spreadsheet of Awards)	JA377
44	50-2	04/04/25	Exhibit 32 to the Declaration of Jonathan Rosenthal (Ryan Quinn, *Trump's Columbia Cuts Start Hitting Postdocs, Professors*, Inside Higher Ed (March 13, 2025))	JA420
45	50-3	04/04/25	Exhibit 33 to the Declaration of Jonathan Rosenthal (Humberto Basilio, *'My career is over': Columbia University scientists hit hard by Trump team's cuts*, Nature ((March 14, 2025))	JA428
46	50-4	04/04/25	Exhibit 34 to the Declaration of Jonathan Rosenthal (Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*, The New York Times (March 18, 2025))	JA435
47	50-5	04/04/25	Exhibit 35 to the Declaration of Jonathan Rosenthal (Jason Mast, *Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research*, Stat News (March 11, 2025))	JA442

48	50-6	04/04/25	Exhibit 36 to the Declaration of Jonathan Rosenthal (Isabella Cueto, *ME/CFS research program shuts down at Columbia after Trump cuts*, Stat News (March 19, 2025))	JA448
49	50-7	04/04/25	Exhibit 37 to the Declaration of Jonathan Rosenthal (March 30, 2025 Open letter in response to federal funding cuts at Columbia)	JA453
Volume 4				
50	50-8	04/04/25	Exhibit 38 to the Declaration of Jonathan Rosenthal (Mark Alfred, *The Trump Administration Cut Cancer and Alzheimer's Research Funding at Columbia University*, Notus (March 18, 2025))	JA477
51	50-9	04/04/25	Exhibit 39 to the Declaration of Jonathan Rosenthal (Thomas Bailey, *Update in Light of March 7 Federal Announcement*, Teachers College of Columbia University (March 7, 2025))	JA483
52	50-10	04/04/25	Exhibit 40 to the Declaration of Jonathan Rosenthal (Jocelyn Kaiser, *After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts*, Science (March 18, 2025))	JA486
53	51-1	04/04/25	Exhibit 41 to the Declaration of Jonathan Rosenthal (Congressional Record, Senate (April 7, 1964))	JA490
54	51-2	04/04/25	Exhibit 42 to the Declaration of Jonathan Rosenthal (Congressional Record, House of Representatives (Feb. 7, 1964))	JA497
55	51-3	04/04/25	Exhibit 43 to the Declaration of Jonathan Rosenthal (Abigail A. Graber, *Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964*, Congressional Research Service (Sept. 17, 2024))	JA504
56	51-4	04/04/25	Exhibit 44 to the Declaration of Jonathan Rosenthal (Jared P. Cole, *Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of*	JA511

			1964, Congressional Research Service (April 4, 2019))	
57	51-5	04/04/25	Exhibit 45 to the Declaration of Jonathan Rosenthal (*Case Processing Manual*, U.S. Department of Education Office for Civil Rights (Feb. 19, 2025))	JA539
58	51-6	04/04/25	Exhibit 46 to the Declaration of Jonathan Rosenthal (*Upholding Our Values*, Columbia Office of the President (Oct. 18, 2023))	JA572
59	51-7	04/04/25	Exhibit 47 to the Declaration of Jonathan Rosenthal *(Standing in Solidarity*, Columbia Office of the President (Oct. 27, 2023))	JA575
60	51-8	04/04/25	Exhibit 48 to the Declaration of Jonathan Rosenthal (*Task Force on Antisemitism*, Columbia University	JA578
Volume 5				
61	51-9	04/04/25	Exhibit 49 to the Declaration of Jonathan Rosenthal (*Announcing Task Force on Antisemitism*, Columbia Office of the President (Nov. 1, 2023))	JA587
62	51-10	04/04/25	Exhibit 50 to the Declaration of Jonathan Rosenthal (*About the Task Force on Antisemitism*, Columbia University)	JA590
63	52-1	04/04/25	Exhibit 51 to the Declaration of Jonathan Rosenthal (*Report #1: Task Force on Antisemitism Columbia University's Rules on Demonstrations*, Columbia University (March 2024))	JA593
64	52-2	04/04/25	Exhibit 52 to the Declaration of Jonathan Rosenthal (*President Shafik Welcomes the First Set of Recommendations From the Task Force on Antisemitism*, Columbia Office of the President (March 4, 2024))	JA612
65	52-3	04/04/25	Exhibit 53 to the Declaration of Jonathan Rosenthal (*Report #2: Task Force on Antisemitism*, Columbia University (Aug. 2024))	JA615

66	52-4	04/04/25	Exhibit 54 to the Declaration of Jonathan Rosenthal (*Combatting Antisemitism*, Columbia Office of the President)	JA620
67	52-5	04/04/25	Exhibit 55 to the Declaration of Jonathan Rosenthal (*University Statement Regarding UJB Determinations*, Columbia University Office of Public Affairs (March 13, 2025))	JA625
68	52-6	04/04/25	Exhibit 56 to the Declaration of Jonathan Rosenthal (Office of Public Affairs, *Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism*, U.S. Department of Justice (Feb. 28, 2025))	JA628
69	52-7	04/04/25	Exhibit 57 to the Declaration of Jonathan Rosenthal (Office of Communications and Outreach, *U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment*, U.S. Department of Education (March 10, 2025))	JA632
70	52-8	04/04/25	Exhibit 58 to the Declaration of Jonathan Rosenthal (Maya Sulkin, *Columbia University Says One Thing to Trump Admin—and Another in Private*, The Free Press (March 25, 2025))	JA637
71	52-9	04/04/25	Exhibit 59 to the Declaration of Jonathan Rosenthal (*A Message from Dr. Katrina A. Armstrong*, Columbia University Office of Public Affairs (March 28, 2025))	JA642
72	52-10	04/04/25	Exhibit 60 to the Declaration of Jonathan Rosenthal (*Joint Task Force statement regarding Columbia University's steps to advance negotiations*, U.S. General Services Administration (March 28, 2025))	JA645
73	52-11	04/04/25	Exhibit 61 to the Declaration of Jonathan Rosenthal (Eugene Volokh et al., *A Statement from*	JA648

			Constitutional Law Scholars on Columbia, The New York Review (March 20, 2025))	
74	93	05/01/25	Declaration of Josh Gruenbaum in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA653
75	93-1	05/01/25	Exhibit A to the Declaration of Josh Gruenbaum (March 3, 2025 Memorandum to Columbia University from Josh Gruenbaum)	JA657
76	94	05/01/25	Declaration of Allison M. Rovner in Opposition to Plaintiffs' Motion for a Preliminary Injunction	JA661
77	94-1	05/01/25	Exhibit A to the Declaration of Allison Rovner (March 7, 2025 Letter to the Trustees of Columbia University from Mark Washington)	JA663
78	94-2	05/01/25	Exhibit B to the Declaration of Allison Rovner (March 7, 2025 Letter to the Teachers College Columbia University from Mark Washington)	JA666
79	94-3	05/01/25	Exhibit C to the Declaration of Allison Rovner (Oral Argument Transcript of Mahmoud Kahil et al., v. The Trustees of Columbia University in the City of New York, et al. (March 25, 2025))	JA669
80	99	05/08/25	Reply Declaration of Jonathan Rosenthal in Support of Plaintiffs' Motion for Preliminary Injunction	JA674
81	99-1	05/08/25	Exhibit 62 to the Reply Declaration of Jonathan Rosenthal (Sara Reardon, *Exclusive: NIH freezes all research grants to Columbia University,* Science (April 9, 2025))	JA680
82	99-2	05/08/25	Exhibit 63 to the Reply Declaration of Jonathan Rosenthal (Maddie Khaw, *All of Columbia's NIH Funding Is Apparently Frozen. Here's What That Looks Like for One Researcher*, Chronicle (April 11, 2025))	JA683

83	99-3	05/08/25	Exhibit 64 to the Reply Declaration of Jonathan Rosenthal (April 11, 2025 Letter to Harvard University)	JA690
84	99-4	05/08/25	Exhibit 65 to the Reply Declaration of Jonathan Rosenthal (Michael C. Bender et al., *Inside Trump's Pressure Campaign on Universities*, The New York Times (April 14, 2025))	JA696
85	99-5	05/08/25	Exhibit 66 to the Reply Declaration of Jonathan Rosenthal (*Sustaining Columbia's Vital Mission*, Columbia Office of the President (April 14, 2025))	JA714
86	99-6	05/08/25	Exhibit 67 to the Reply Declaration of Jonathan Rosenthal (April 14, 2025 Letter from Harvard University)	JA717
87	99-7	05/08/25	Exhibit 68 to the Reply Declaration of Jonathan Rosenthal (*Joint Task Force to Combat Anti-Semitism Statement Regarding Harvard University*, U.S. Department of Education (April 14, 2025))	JA720
88	99-8	05/08/25	Exhibit 69 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *The Little-Known Bureaucrats Tearing Through American Universities*, The Wall Street Journal (April 14, 2025))	JA722
89	99-9	05/08/25	Exhibit 70 to the Reply Declaration of Jonathan Rosenthal (Alan Blinder, *Trump Has Targeted These Universities. Why?*, The New York Times (April 15, 2025))	JA732
90	99-10	05/08/25	Exhibit 71 to the Reply Declaration of Jonathan Rosenthal (*Miguel S. Urquiola*, Columbia Office of the Provost)	JA739
91	99-11	05/08/25	Exhibit 72 to the Reply Declaration of Jonathan Rosenthal (Meghnad Bose et al., *Inside Columbia's Betrayal of its Middle Eastern Studies Department*, The Intercept (April 16, 2025))	JA742

92	99-12	05/08/25	Exhibit 73 to the Reply Declaration of Jonathan Rosenthal (Truth Social Post from Donald J. Trump (April 16, 2025))	JA755
93	99-13	05/08/25	Exhibit 74 to the Reply Declaration of Jonathan Rosenthal (Anil Oza et al., *NIH said to have halted awarding of new grants to more top universities*, Stat News (April 18, 2025))	JA757
94	99-14	05/08/25	Exhibit 75 to the Reply Declaration of Jonathan Rosenthal (X Post from Max Kozlov (April 18, 2025))	JA760
95	99-15	05/08/25	Exhibit 76 to the Reply Declaration of Jonathan Rosenthal (Nandika Chatterjee, *Trump Takes Personal Revenge on Harvard's Lawyer for Standing Up to Him*, Daily Beast (April 24, 2025))	JA762
Volume 6				
96	99-16	05/08/25	Exhibit 77 to the Reply Declaration of Jonathan Rosenthal (May 5, 2025 Letter to Hard University from Linda E. McMahon)	JA769
97	99-17	05/08/25	Exhibit 78 to the Reply Declaration of Jonathan Rosenthal (*Preserving Columbia's Critical Research Capabilities*, Columbia Office of the President (May 6, 2025))	JA773
98	99-18	05/08/25	Exhibit 79 to the Reply Declaration of Jonathan Rosenthal (Diabetes Prevention Program et al., *An open letter to the Columbia administration*, Columbia Spectator (May 4, 2025))	JA777
99	99-19	05/08/25	Exhibit 80 to the Reply Declaration of Jonathan Rosenthal (Liz Essley Whyte et al., *Trump Administration Proposes Terms for Federal Oversight of Columbia University*, The Wall Street Journal (May 5, 2025))	JA781
100	100	05/08/25	Supplemental Declaration of Todd Wolfson	JA785

101	101	05/08/25	Supplemental Declaration of Julie Schmid	JA796
102	102	05/08/25	Supplemental Declaration of Reinhold Martin	JA800
103	103	05/08/25	Declaration of Joshua Jacobs	JA804
104	104	05/08/25	Declaration of Jamie Daw	JA812
105	105	05/08/25	Declaration of Abigail Greenleaf	JA818
106	121	05/20/25	Order Denying Requests to Seal	JA823
107	124	05/23/25	Declaration of Matthew Murray in Support of Plaintiffs' Motion for Preliminary Injunction	JA829
108	124-1	05/23/25	Exhibit A to the Declaration of Matthew Murray (*HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law*, U.S. Department of Health and Human Services (May 22, 2025))	JA831
109	128	05/23/25	Declaration of Ezra Susser (Witness B)	JA836
110	129	05/23/25	Declaration of Joseph Slaughter (Witness C)	JA844
111	130	05/23/25	Declaration of Joel Swanson (Witness D)	JA849
112	131	05/23/25	Declaration of Andrew Geneslaw (Witness K)	JA857
113	132	05/23/25	Declaration of Alex de Sherbinin (Witness L)	JA863
114	133	05/23/25	Declaration of Mary Beth Terry (Witness M)	JA868
115	134	05/23/25	Declaration of Steven Chillrud (Witness N)	JA873
Volume 7				
116	136	05/23/25	Declaration of Teresa Javenic (Witness O)	JA879
117	137	05/23/25	Supplemental Declaration of Joseph Slaughter (Witness C)	JA886

118	138	05/23/25	Supplemental Declaration of Andrew Geneslaw (Witness K)	JA889
119	139	05/23/25	Amended Declaration of Melanie Wall (Witness A)	JA892
120	140	05/23/25	Amended Declaration of Safia Southey (Witness E)	JA899
121	141	05/23/25	Amended Declaration of Anne Li (Witness I)	JA903
122	142-1	05/23/25	Amended Declaration of Jon Lorsch, Ph.D	JA907
123	142-2	05/23/25	Exhibit A to the Amended Declaration of Jon Lorsch (*NIH Grants Policy Statement,* National Institutes of Health (April 2024))	JA914
124	142-3	05/23/25	Exhibit B to the Amended Declaration of Jon Lorsch (Dorothy A. Fink, *Secretarial Directive on DEI-Related Funding*, Department of Health & Human Services (Feb. 10, 2025))	JA921
125	142-4	05/23/25	Exhibit C to the Amended Declaration of Jon Lorsch (Matthew J. Memoli, M.D., *Directive on NIH Priorities*, National Institutes of Health (Feb. 21, 2025))	JA924
126	142-5	05/23/25	Exhibit D to the Amended Declaration of Jon Lorsch (March 10, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA927
127	142-6	05/23/25	Exhibit E to the Amended Declaration of Jon Lorsch (March 14, 2025 Letter to Angela V. Olinto, Ph.D., from Michelle G. Bulls)	JA930
128	142-7	05/23/25	Exhibit F to the Amended Declaration of Jon Lorsch (March 7, 2025 Notification of Termination of Multiple Task Orders to the Trustees of Columbia University from Alice Pagán Pereira)	JA933
129	149	06/16/25	Notice of Appeal	JA935
Volume 8				

130	145	05/29/25	Amended Declaration of Witness J (To be filed UNDER SEAL and included in Joint Appendix contingent upon this Court's grant of Plaintiffs' Unopposed Motion to File Under Seal)	JA937

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2025, I electronically filed the foregoing Redacted Joint Appendix Volume 8 with the Clerk of Court for the United States Court of Appeals for the Second Circuit using the ACMS system, which will send notice of such filing to all counsel of record in compliance with Local Rule 25.1(h)(2). The unredacted version of this document has been served on Defendants' counsel through electronic mail. Defendants' counsel have consented to electronic service.

Dated: September 22, 2025

By: s/ Rachel Goodman

Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
rachel.goodman@protectdemocracy.org

Counsel for Plaintiffs-Appellants

No. 25-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, ET AL.,
Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.
Defendants-Appellees.

On Appeal from the United States District Court for the
Southern District of New York
Case No. 1:25-cv-02429-MKV (Hon. Mary Kay Vyskocil)

SPECIAL APPENDIX (SA1 – SA39)
VOLUME 1 OF 1

Orion Danjuma
Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
orion.danjuma@protectdemocracy.org
rachel.goodman@protectdemocracy.org

Eve H. Cervantez
Matthew J. Murray
Connie K. Chan
Juhyung Harold Lee
Jonathan Rosenthal
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Tel: (415) 421-7151
Fax: (415) 362-8064
ecervantez@altber.com
mmurray@altber.com
cchan@altber.com
hlee@altber.com
jrosenthal@altber.com

Additional counsel for Plaintiffs-Appellants:

Katie Schwartzmann
Protect Democracy Project
201 St. Charles Avenue, Ste. 114
New Orleans, LA 70170
Tel: (202) 579-4582
Fax: (202) 769-3176
katie.schwartzmann@protectdemocracy.org

Richard Primus
The University of Michigan Law School
(institutional affiliation provided for identification
purposes only; not representing the University)
625 S. State Street
Ann Arbor, MI 48109
Tel: (734) 647-5543
Fax: (734) 764-8309
PrimusLaw1859@gmail.com

SPECIAL APPENDIX

TABLE OF CONTENTS

Tab No.		Page No.
District Court Order Appealed		
1	June 16, 2025 Opinion & Order Denying Motion for Preliminary Injunction and Dismissing for Lack of Standing	SA1
Applicable Laws		
2	First Amendment to the United States Constitution	SA31
3	42 U.S.C. § 2000d	SA32
4	42 U.S.C. § 2000d-1	SA35
5	42 U.S.C. § 2000d-2	SA38

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS and AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF JUSTICE, PAMELA BONDI, LEO TERRELL, UNITED STATES DEPARTMENT OF EDUCATION, LINDA MCMAHON, THOMAS E. WHEELER, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ROBERT F. KENNEDY, JR., SEAN R. KEVENEY, NATIONAL INSTITUTES OF HEALTH, MATTHEW J. MEMOLI, UNITED STATES GENERAL SERVICES ADMINISTRATION, STEPHEN EHIKIAN, and JOSH GRUENBAUM,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/16/2025

25-cv-2429 (MKV)

OPINION & ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION AND DISMISSING FOR LACK OF STANDING

MARY KAY VYSKOCIL, United States District Judge:

Plaintiffs, the American Association of University Professors ("AAUP") and the American Federation of Teachers ("AFT"), are labor unions for "faculty and academic professionals," among other professionals, with headquarters in Washington, D.C. [ECF No. 1 ("Cmpl.") ¶¶ 13, 15; ECF No. 27 ¶ 5; ECF No. 28 ¶ 3]. These plaintiffs seek a preliminary injunction requiring Defendants to pay out to non-party The Trustees of Columbia University in the City of New York ("Columbia") "approximately $400 million in federal grants and contracts to Columbia," funded by the American taxpayers, which several executive agencies recently terminated because, among other reasons, the grants and contracts "no longer effectuate[d] . . . agency priorities" and "for the convenience

of the Government" [ECF No. 25 ("Proposed PI") ¶ 1(a); ECF Nos. 142-5, 142-7]. Plaintiffs further seek to prospectively enjoin Defendants from terminating, "pausing," "or otherwise interfering with" more than $5 billion in active taxpayer-funded grants and contracts to Columbia. Proposed PI ¶ 1(b). Conspicuously, Columbia, whose grants and contracts were terminated and whose funding is the subject of the relief Plaintiffs seek, is not a plaintiff.

With no apparent sense of irony, lawyers for an organization called "Protect Democracy" insist that a district court judge should order the Executive Branch immediately to restore the flow of taxpayer dollars to an elite university, which funding Defendants represent is inconsistent with the priorities of the duly elected President of the United States. Our democracy cannot very well function if individual judges issue extraordinary relief to every plaintiff who clamors to object to executive action. Neither the Executive Branch nor the Legislature ever awarded the grants and contracts at issue to Plaintiffs or any of their members. The funding that Plaintiffs ask this Court to commandeer was awarded to Columbia, which is conspicuously absent from this case. If any funds have been wrongfully withheld, such funds may be recovered at the end of a successful lawsuit by the appropriate plaintiff in an appropriate forum. *See Dep't of Educ. v. California*, 604 U.S. __, 145 S. Ct. 966, 969 (2025).

For the reasons set forth below, the motion for a preliminary injunction is DENIED, and this case is DISMISSED, without prejudice, for lack of standing.

I. PROCEDURAL HISTORY

Plaintiffs the American Association of University Professors ("AAUP") and the American Federation of Teachers ("AFT") initiated this case by filing a 385-paragraph complaint on March 25, 2025 [ECF No. 1 (the "Complaint" or "Cmpl.")]. The first several paragraphs of the Complaint are devoted to sensational rhetoric about the "transcendent value" of academic freedom, and "the

Trump administration's" effort to "control the thought" of "faculty and students" (though Plaintiffs do not purport to represent any students) by placing a "gun to the head" of non-party Columbia University. Cmpl. ¶¶ 1–3 (internal quotation marks and citations omitted). Specifically, according to the Complaint, "the administration (1) announced it was commencing an investigation of Columbia for its asserted . . . failure to address antisemitism on campus, (2) summarily canceled approximately $400 million" in federal funding to Columbia, and, thereafter, "(3) demanded that the University adopt a list of sweeping programmatic and structural changes . . . as 'a precondition' for the University's 'continued financial relationship with the United States government,' valued at approximately $5 billion." Cmpl. ¶ 3.

The Complaint alleges that non-party "Columbia . . . acceded to the Trump administration's demands."[1] Cmpl. ¶ 7; *see id.* ¶ 81. Plaintiffs interceded. Their Complaint asserts ten claims. First, the Complaint asserts a claim under the First Amendment for violation of "Plaintiffs' and Plaintiffs' members' right to free speech and academic freedom." Cmpl. ¶ 287; *see id.* ¶¶ 286–97 ("Count I"). Second, Plaintiffs assert a claim "[p]ursuant to the 'unconstitutional conditions' doctrine," which prohibits the government from placing "a condition on the receipt of a benefit or subsidy that infringes upon the recipient's constitutionally protected rights." Cmpl. ¶ 299 (quoting

[1] As explained below, evidence demonstrates that, on March 21, 2025, Columbia announced a list of actions that it had been planning for months before any funding was terminated, and that list of actions does not entirely match up with the reforms the defendant executive agencies demanded. *See infra* at 14–18. Both sides agree, however, that non-party Columbia has chosen to negotiate with the government, rather than litigate against it [ECF No. 26 ("Pl. Mem.") at 6; ECF No. 91 ("Opp.") at 4]. As noted above, Columbia, which is the entity whose funding was terminated and would be restored if Plaintiffs' motion were granted, is not a party to this case. Indeed, Columbia has appeared in this action only for the limited purpose of opposing the public disclosure of a communication that Columbia's Office of the General Counsel sent to members of the Columbia faculty who, in turn, forwarded the communication to the General Counsel of the AAUP [ECF No. 121]. In the course of that limited appearance, Columbia stressed that it is "actively engaged in negotiations with Defendants about the terminated awards" and is "harm[ed]" by the public disclosure of its internal communications by virtue of this lawsuit, adding that Columbia personnel have been "*drawn in*" to this litigation "*solely through the actions of others*" [ECF No. 59 at 3 (emphasis added)].

All. for Open Soc'y Int'l, Inc. v. U.S. Agency for Int'l Dev., 651 F.3d 218, 231 (2d Cir. 2011)); *see id.* ¶¶ 298–303 ("Count II").

The Complaint next asserts four claims under the Administrative Procedure Act ("APA"). *See* Cmpl. ¶¶ 304–318 ("Count III"); *id.* ¶¶ 319–333 ("Count IV"); *id.* ¶¶ 334–341 ("Count V"); *id.* ¶¶ 342–351 ("Count VI"). The premise of each of these claims is that the termination of Columbia's federal grants and contracts and the subsequent demand for numerous reforms were enforcement actions based on Columbia's alleged noncompliance with Title VI of the Civil Rights Act ("Title VI"). Plaintiffs allege that Defendants failed to follow procedural requirements for the enforcement of Title VI and that their actions were arbitrary and capricious.

In Count VII and Count VIII of the Complaint, Plaintiffs allege that the termination of Columbia's funding and subsequent demand for reforms by Columbia were *ultra vires* executive actions that violated the constitutional separation of powers. *See* Cmpl. ¶¶ 351–363 ("Count VII"); *id.* ¶¶ 364–370 ("Count VIII"). Next, the Complaint asserts a claim for violation of the Due Process Clause of the Fifth Amendment based on allegations that "Plaintiffs' members have constitutionally protected property interests in [Columbia's] grant . . . funding," and they were not given notice and an opportunity to be heard before the grants were terminated. Cmpl. ¶ 373; *see id.* ¶¶ 317–377 ("Count IX"). Finally, Plaintiffs allege that, by terminating Columbia's funding, the federal government exceeded its constitutional scope in violation of both the Tenth Amendment and the Spending Clause. *See* Cmpl. ¶¶ 378–385 ("Count X").

In their Complaint, Plaintiffs request for relief "a preliminary and permanent injunction requiring Defendants to immediately reinstate or restore all grants and contracts to Columbia," among other relief. Cmpl. at 85. However, Plaintiffs did not simultaneously file a motion for a preliminary injunction, let alone seek a temporary restraining order, when they filed the Complaint.

Rather, when Plaintiffs filed the Complaint, the plaintiffs in an earlier-filed case (Columbia students) had moved, before another judge, for a temporary restraining order that would restore Columbia's terminated grants. *See Khalil v. Trs. of Columbia Univ. in City of New York*, No. 25-cv-2079 (AS), 2025 WL 1019425, at *1 (S.D.N.Y. Apr. 4, 2025). The judge in *Khalil* held a hearing at which the student plaintiffs "all but conceded" that they had "fail[ed] to address some threshold requirements" to obtain relief, including standing. *Id.* Only thereafter did Plaintiffs file a motion for a preliminary injunction in this case [ECF No. 24].[2]

Although Plaintiffs contend that they will suffer irreparable harm without preliminary relief, they did not move for a temporary restraining order or request expedited briefing of their motion for a preliminary injunction. Rather, approximately a month after the announcement of the termination of the $400 million in federal funding to Columbia, Plaintiffs filed their motion for a preliminary injunction accompanied by a memorandum of law, a proposed preliminary injunction, and numerous declarations and exhibits [ECF Nos. 24, 25 ("Proposed PI"), 26 ("Pl. Mem."), 27 ("Wolfson Decl."), 28 ("Schmid Decl."), 29 ("Martin Decl."), 30 ("Witte Decl."), 31 ("Frye Decl."), 32 ("Hirsch Decl."), 34–43, 47–51 ("Rosenthal Decl.")].[3]

Defendants filed a memorandum of law in opposition to Plaintiffs' motion supported by declarations and exhibits [ECF No. 91 ("Opp."); ECF No. 92; ECF No. 93 ("Gruenbaum Decl."); ECF No. 94 ("Rovner Decl."]. Plaintiffs thereafter filed a reply brief in further support of their motion [ECF No. 98]. In the interim, the Court received five amicus briefs urging the Court to

[2] After the hearing in *Khalil* and the filing of this case, the court in *Khalil* issued an order denying the motion for a temporary restraining order in its entirety, citing lack of standing and other issues. *See Khalil*, 2025 WL 1019425, at *1 [25-cv-2079 (AS), ECF No. 54]. Thereafter, the plaintiffs in that case amended their complaint, but did not renew their request for emergency relief, and the defendants, including Columbia, moved to dismiss [25-cv-2079 (AS), ECF Nos. 62, 80, 83, 85].

[3] Plaintiffs requested leave to file a number of declarations under seal [ECF No. 33]. The Court later denied that request [ECF No. 121]. Plaintiffs ultimately filed many declarations on the public docket and withdrew others [ECF Nos. 125, 126, 128–134, 136–141].

issue a preliminary injunction [ECF Nos. 70-1 ("FIRE Br."), 74-1 ("The Center Br."), 78-1 ("Unions Br."), 82-1 ("1A Br."), 87-2 ("CCR Br.")].

In their briefing, Plaintiffs and amici contend that Defendants purported to terminate Columbia's funding to enforce Title VI but failed to comply with "the procedural requirements set forth in the statute and its implementing regulations" for terminating funding pursuant to Title VI. Pl. Mem. at 1; *see* FIRE Br. at 8; CCR Br. at 3. Defendants, however, submit that executive agencies exercised discretion, consistent with the President's Executive Orders, to terminate grants and contracts because such funding "no longer effectuate[d] . . . agency priorities" and "for convenience" based on the government's interests. Opp. at 2–3, 13–14 (quoting 2 C.F.R. § 200.340(a)(4) and 48 C.F.R. § 2.101). Put simply, the agencies informed Columbia that it was inconsistent with Executive Branch priorities and no longer convenient to give hundreds of millions of taxpayer dollars to an institution that, in the agencies' assessments, had displayed "a disturbing lack of concern for the safety and wellbeing of Jewish students" and had "*otherwise* fail[ed] to serve the best interests of the United States" in its uses of Americans' money [ECF No. 142-5 at 1; ECF No. 94-1 at 1 (emphasis added)].

Defendants also argue that Plaintiffs lack standing to assert their claims and this Court lacks jurisdiction to grant the relief they request. With respect to Plaintiffs' First Amendment claim, Defendants argue that Plaintiffs fail to establish a causal connection between any alleged injury and Defendants' challenged conduct. Specifically, Defendants argue that "Plaintiffs' allegations that their members' speech has been or will be chilled" involve "Columbia's independent actions," which, the evidence demonstrates, Columbia had been planning long before the Executive Branch demanded reforms. Opp. at 9. Defendants also cite a recent decision by the Supreme Court to stay preliminary relief, which the district court had "styled as a temporary restraining order," that

"enjoin[ed] the Government from terminating various education-related grants." *Dep't of Educ. v. California*, 604 U.S. __, 145 S. Ct. 966, 968 (2025). The Supreme Court concluded that "the Government [was] likely to succeed in showing the District Court lacked jurisdiction to order the payment of money under the APA," since "the Tucker Act grants the Court of Federal Claims jurisdiction over suits based on 'any express or implied contract with the United States.'" *Id.* (quoting 28 U.S.C. § 1491(a)(1)).

After the close of briefing, Plaintiffs filed a notice of supplemental authority alerting the Court to a number of recent out-of-circuit decisions unfavorable to executive agencies [ECF No. 122]. Plaintiffs also filed what they described as newly-available evidence purporting to demonstrate that "Defendants' actions terminating and freezing federal funding and imposing demands on Columbia for continued federal funding based on alleged antisemitism are subject to Title VI" and that the Defendants violated the procedural requirements for terminating funding pursuant to Title VI [ECF No. 123 at 2; ECF No. 124].

Defendants filed an amended version of an earlier-filed declaration to correct minor factual inaccuracies [ECF Nos. 142, 142-1 ("Lorsch Decl.")].

II. FINDINGS OF FACT[4]

A. Plaintiffs Are Labor Unions.

Plaintiff the AAUP is a "labor union" for "faculty and academic professionals" at colleges

[4] As the Second Circuit recently reaffirmed, "[t]here is no hard and fast rule in this circuit that oral testimony must be taken on a motion for a preliminary injunction or that the court can in no circumstances dispose of the motion on the papers before it." *St. Joseph's Hosp. Health Ctr. v. Am. Anesthesiology of Syracuse, P.C.*, 131 F.4th 102, 108 (2d Cir. 2025) (brackets in original) (quoting *Md. Cas. Co. v. Realty Advisory Bd. on Labor Relations*, 107 F.3d 979, 984 (2d Cir. 1997)). Indeed, a "hearing is not required for a preliminary injunction 'when the relevant facts either are not in dispute or have been clearly demonstrated at prior stages of the case, or when the disputed facts are amenable to complete resolution on a paper record.'" *Id.* (quoting *Charette v. Town of Oyster Bay*, 159 F.3d 749, 755 (2d Cir. 1998)). The Court concludes that a hearing is not required to dispose of Plaintiffs' motion for a preliminary injunction. Plaintiffs submitted numerous declarations and exhibits in support of their motion, and the Court has carefully reviewed those submissions and Defendants' submissions. Plaintiffs' motion is amenable to complete resolution on the voluminous paper record before the Court.

and universities. Wolfson Decl. ¶ 4. Plaintiffs offer evidence that the AAUP is also a "membership association" with a "mission" to "advance academic freedom." *Id.* ¶¶ 4, 7.

Plaintiff the AFT is "a national labor organization" with more than "1.8 million members," including, among others, "pre-K through 12th-grade teachers" and paraprofessionals, "higher education faculty and . . . staff," and even "nurses and other healthcare professionals." Schmid Decl. ¶ 3. The AAUP is an affiliate of the AFT, and, "[a]s a result of that affiliation, all AAUP members are also AFT members." Wolfson Decl. ¶ 6.

B. Some of Plaintiffs' Members Used Federal Grants to Columbia.

The AAUP has, and therefore the AFT has, "members at Columbia University." Wolfson Decl. ¶ 9. Some of these members had "rel[ied] on federal grants [to Columbia] to support their research, scholarship, and teaching activities" and have "lost funding" since the "government's cancelation of $400 million in federal funding to Columbia." *Id.* ¶¶ 9, 10.

For example, Susan Witte is a professor at Columbia's School of Social Work. Witte Decl. ¶ 1. She is a member of the AAUP and, as such, the AFT. *Id.* ¶ 5. Witte is "a researcher on a team that has had multiple grants terminated as a result of the $400 million in funding cuts" to Columbia. *Id.* ¶ 6. "One of the grants was an approximately $3.5 million [National Institutes of Health ('NIH')][5] grant categorized as a P20, a 3-year center grant. Another was an over $370,000 NIH grant categorized as an R21, a research grant." *Id.* ¶ 7. These two grants, funded by American taxpayers, "support[ed] research on how extreme weather and climate change influence health, mental health, and well-being among women in East Africa." *Id.* ¶ 9.

Professor Witte attests that "[n]one of the work funded by either of these two grants were related to Israel or Palestine" or "antisemitism." *Id.* ¶ 27. The professor herself, however, does

[5] Defendant the National Institutes of Health ("NIH") is an agency within Defendant the United States Department of Health and Human Services ("HHS").

"join with other professors and students to promote Palestinian freedom," which she considers "very different from antisemitism." *Id.* ¶ 30. She attests that she "feel[s] chilled in [her] speech" and "academic freedom." *Id.* ¶¶ 29, 36. However, Professor Witte also feels a "responsibility" to "publicly speak out," *id.* ¶ 37, which, clearly, she is doing.

C. Executive Agencies Awarded Grants to Non-Party Columbia, Not Plaintiffs' Members, Based on Agency Priorities and Pursuant to Terms and Conditions.

As Plaintiffs' own evidence and Defendants' evidence make clear, the grants and contracts at issue in this case were awarded to non-party Columbia. Defendants never awarded any grants to, or entered into any contracts with, Plaintiffs or their members.

According to Plaintiffs, "$250 million of th[e] funding [Columbia lost] consists of grants from Defendant NIH." Cmpl. ¶ 92; *see* Rosenthal Decl., Ex 29. Defendants offer evidence that the "recipients of NIH grant awards are institutions," such as Columbia, which, in turn, "designate a principal investigator to lead the scientific and technical direction of research projects funded under the grant." Lorsch Decl. ¶ 8; *see id.* ¶ 12 (describing "Columbia" as the "grantee"). In other words, the NIH categorically does not award grants to individual professors or other academic staff, such as Plaintiffs' members.

Defendants further submit evidence of the terms on which the NIH awards grants to institutions. *See* Lorsch Decl. ¶¶ 5–12. The NIH exercises broad discretion to allocate funding to "biomedical and behavioral research," pursuant to authority that Congress delegated to the Secretary of Health and Human Services ("HHS") to "assess research priorities," among other authority, which the Secretary of HHS further delegated to the Director of the NIH. *Id.* 5–8; *see* 42 U.S.C. §§ 241, 282. When the NIH decides to "support [an institutional] recipient with a specified level of funding for a specific period," it issues a "Notice of Award (NOA)." *Id.* ¶ 10.

The NOA "requires recipients of NIH grant funds to comply with all Federal statutes, regulations, policies, and terms and conditions stated in the Notice of Award." *Id.*

"The NIH Grants Policy Statement (GPS) is a term and condition applicable to all NIH grant awards." *Id.* ¶ 11. The GPS, in turn, expressly "incorporate[s] . . . 2 CFR Part 200" as a term and condition of the NOA [ECF No. 142-2 at 3 (the "GPS")]. *See* Lorsch Decl. ¶ 11. "One term and condition of [each] NOA is therefore 2 CFR § 200.340, which allows the Government to terminate a grant '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.'" Lorsch Decl. ¶ 11 (citing 2 CFR § 200.340 and GPS 8.5.2 (stating "NIH may also terminate the grant in whole or in part as outlined in 2 CFR Part 200.340")).

Plaintiffs' evidence offers insight into non-party Columbia's use of NIH grants. For example, Plaintiffs submit the Declaration of Jennifer S. Hirch, a "Professor of Sociomedical Sciences at the Columbia University Mailman School of Public Health." Hirsch Decl. ¶ 1. Hirsch was "the principal investigator on a 5-year training grant" from the NIH, "currently in year 3," that was being used to fund a "predoctoral research training program currently in its 18th year." *Id.* ¶ 8. In other words, the Columbia program long predated this NIH grant.

According to Hirsh, this Columbia program "was the first in the nation" to obtain "NIH support for predoctoral level training in gender, sexuality, and health," with a "focus on gender and sexuality as they impact reproductive and sexual health and the health of gender and sexual minorities, both nationally and globally." *Id.* ¶ 8. The grant, which "provided $2.1 million in federal funding" to Columbia, "provide[d] funding for about 45 percent of the expenses (stipend, tuition and fees, travel, training-related expenses, and childcare) for each of the 4 [predoctoral]

trainees . . . in the program." *Id.* ¶ 9. The grant also "funded" 6 doctoral students, although Hirsch does not explain the details of the latter use of the funds. *Id.* ¶ 10.

Reflecting the lack of direct relationship between the defendant executive agencies and Plaintiffs' members, Hirsch attests that *Columbia* informed her of the termination of the grant on which she had been designated the principal investigator. *Id.* ¶ 11. The NIH did not contact Hirsch. *Id.* Indeed, Plaintiffs' evidence reflects that all communication about the termination of grants has been either between an executive agency and Columbia, or between Columbia and its faculty [ECF No. 104 ¶ 12; ECF No. 105 ¶ 9; ECF No. 128 ¶ 10; ECF No. 136 ¶ 7].

Pertinent to the standing inquiry in this case, Hirsch attests that "Columbia has committed to providing salary coverage" for the portion of her salary that comes from leading the gender and sexuality program. *Id.* ¶ 12. Hirsch further attests that the doctoral "students are guaranteed five years of support for stipend, tuition, and fees *regardless of the source*." *Id.* (emphasis added). According to Hirsch, the 4 predoctoral trainees "are unable to submit reimbursements against the $1,310 in annual travel and training expenses that is budgeted for each trainee in the grant." *Id.* However, Plaintiffs submit other evidence that Columbia has created "a new University fund . . . to assist students who need help managing unanticipated expenses," which will be funded in part by "generous alumni" [ECF No. 99-5].

Plaintiffs do not provide a full accounting of the terminated grants. *See* Cmpl. ¶ 92. But evidence in the record, supplied by Defendants, demonstrates that Defendant the United States Department of Education ("DOE") terminated at least two grants to Columbia. *See* Rovner Decl. ¶¶ 2, 3. The exhibits concerning the termination of the DOE grants make clear that, as with the NIH grants, the defendant executive agency had awarded the grants to Columbia, not to Plaintiffs or any of Plaintiffs' members [ECF Nos. 94-1, 94-2].

D. Defendant Executive Agencies Terminated Grants and Contracts for being Inconsistent with Agency Priorities and Convenience.

On January 29, 2025, shortly after President Trump assumed office, he issued an Executive Order directing Executive Branch agencies to use "all available appropriate legal tools" to "combat anti-Semitism," including the well-publicized "harassment" of Jewish students "on university and college campuses" [ECF No. 48-7 ("EO")]. Gruenbaum Decl. ¶ 4.

On March 3, 2025, Defendant the General Services Administration (the "GSA") sent a memorandum to the interim president of Columbia stating that the GSA was leading a 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 Columbia University" [ECF No. 93-1 ("March 3, 2025 Memo") at 1]. Notably, the memorandum warned Columbia that the GSA and other agencies would "also," separately, "be reviewing the greater than $5 billion of active [federal] grants" to Columbia "for potential compliance concerns, false claims or other infractions." March 3, 2025 Memo at 2. The memorandum further warned: "**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.**" *Id.* (emphasis added).

On March 7, 2025, Defendants the Department of Justice ("DOJ"), HHS, the DOE, and the GSA publicly announced the "cancellation of approximately $400 million in federal grants and contracts to Columbia University due to the school's continued inaction in the face of persistent harassment of Jewish students." Rosenthal Decl., Ex. 23.

The same day, the DOE sent two letters notifying Columbia of the termination of two grants [ECF Nos. 94-1, 94-2]. In both letters, the DOE stated that it was terminating the grant because it was "inconsistent with, and no longer effectuates, Department priorities" and specifically cited 2 C.F.R. § 200.340(a)(4) [ECF Nos. 94-1 at 2, 94-2 at 2], which regulation provides for termination where "an award no longer effectuates the program goals or agency priorities," 2 C.F.R. § 200.340(a)(4). Without going into detail, the letters stated that the grants were being used to fund "programs that promote or take part in initiatives that unlawfully discriminate on the basis of race, color, religion, sex, national origin, or another protected characteristic; that violate either the letter or purpose of Federal civil rights law; that conflict with the Department's policy of prioritizing merit, fairness, and excellence in education; that are not free from fraud, abuse, or duplication; *or that otherwise fail to serve the best interests of the United States*" [ECF Nos. 94-1 at 2 (emphasis added), 94-2 at 2 (emphasis added)]. The DOE letters described the process for an administrative appeal of the termination decision [ECF Nos. 94-1 at 3, 94-2 at 3].

HHS also sent Columbia a letter with the subject line "Notification of Termination of Multiple Task Orders" [ECF No. 142-7 (the "HHS Letter")]. The HHS Letter, which is addressed to Columbia as a "Contractor," simply states: "Pursuant to FAR Clause 52.249-5, Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) (AUG 2016), the task orders listed below are hereby terminated for the convenience of the Government, effective immediately." HHS Letter at 1. The HHS Letter lists four items that appear to be clinical trials and studies related to female contraception. *See id*.

On March 10, 2025, the NIH sent Columbia a letter "providing notice" of the termination of approximately 233 grants "terminated pursuant to the National Institutes of Health ('NIH') Grants Policy Statement (GPS), and 2 C.F.R. § 200.340(a)(4)" [ECF No. 142-5 (the "NIH Letter")

at 1 (footnote superscript omitted)]. *See* Lorsch Decl. ¶ 17. The NIH stated: "These awards no longer effectuate agency priorities." NIH Letter at 1. The NIH explained that it "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" and the terminated grants were being used in ways that do "not satisfy these criteria." *Id.*

The NIH further observed that "Columbia's ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students" had not only "deprived Jewish students of learning and research opportunities" but also "brought shame upon the University and our nation." *Id.* As such, the NIH had concluded, "[s]upporting research in such an environment" was "plainly inconsistent with NIH's priorities." *Id.* at 1–2. The letter also described the process for an administrative appeal. *Id.* at 2. Shortly thereafter, the NIH sent Columbia a substantially identical letter stating that it was terminating an additional 29 grants "pursuant to [the GPS] and 2 C.F.R. § 200.340(a)(4)" [ECF No. 142-6]. Lorsch Decl. ¶ 17.

E. <u>After Defendant Executive Agencies Demanded Reforms, Columbia Announced Reforms Columbia Had Been Planning for Many Months.</u>

On March 13, 2025, the GSA, HHS, and DOE jointly sent a letter to the then interim president of Columbia [ECF No. 49-6 (the "March 13 Letter")]. The March 13 Letter begins by explaining that, after the government informed Columbia that it "would be pausing or terminating federal funding," Columbia's counsel "asked to discuss 'next steps.'" March 13 Letter at 1. The March 13 Letter proceeds: "U.S. taxpayers invest enormously in U.S. colleges and universities, including Columbia University, and it is the responsibility of the federal government to ensure that all recipients are responsible stewards of federal funds." *Id.* The March 13 Letter further observes that Columbia "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." *Id.*

The March 13 Letter then lists the "immediate next steps" the government "regard[s] as a precondition" for negotiations "regarding Columbia University's continued financial relationship with the United States government." *Id.* The first of the nine steps listed in the March 13 Letter is the enforcement of Columbia's "existing disciplinary policies" in response to "Hamilton Hall and encampments." *Id.* The citation to Hamilton Hall refers to the protracted "occupation" of an academic building by protestors [ECF No. 52-5 at 1]. *See* Rosenthal Decl., Ex. 53 at 2 (August 2024 report by Columbia "Task Force on Antisemitism" noting that Jews affiliated with Columbia reported experiencing "extreme" antisemitism during "the takeover of Hamilton Hall"). The term "encampments" refers to tents that protestors erected on the Columbia campus and that Columbia permitted to remain on campus undisturbed for months despite reports that Jewish passersby were being threatened with violence and otherwise harassed. Rosenthal Decl., Ex. 53 at 2; *see id.*, Ex. 51 at 2 (March 2024 Columbia Task Force on Antisemitism report acknowledging that protestors had "taken over" campus spaces, there were "reports of physical harm to students," and protestors were "berat[ing] individuals who were . . . just walking by").

As Plaintiffs' own evidence demonstrates, the encampments and occupation of Hamilton Hall in the spring of 2024 were escalations of anti-Israel and anti-Jewish demonstrations that began immediately after the October 7, 2023 terrorist attacks in Israel and that Columbia long declined to restrain. *See* Rosenthal Decl., Ex. 53 at 2. In a statement dated October 18, 2023, the president of Columbia explained that she felt "duty-bound to ensure" that protesters could continue to "gather," even though "some [were] using th[e] moment to spread antisemitism," and encouraged students who were "concerned about their safety" to use Columbia's "existing [public safety]

hotline and escort service." *Id.*, Ex. 46 at 1. Shortly thereafter, in a statement dated October 27, 2023, Columbia's president expressed "shock[] to hear of several antisemitic incidents in just the last couple of days" since her prior statement. *Id.*, Ex. 47 at 1. On November 1, 2023, Columbia's president acknowledged "a series of antisemitic incidents on campus" and announced the creation of the Columbia "Task Force on Antisemitism." *Id.*, Ex. 49 at 1. Thereafter, in March 2024, the Columbia Task Force on Antisemitism issued its first report, which identified reports of violence and harassment, observed that many Jews and Israelis on campus "have heard chants at protests like 'Globalize the Intifada' and 'Death to the Zionist State' as calls for violence against them and their families," and expressed "serious concerns" that Columbia was not enforcing its own rules. *Id.*, Ex. 51 at 2, 8. In August 2024, a second report explained that while many antisemitic incidents "took place well before the establishment of the encampments and the takeover of Hamilton Hall" in the spring of 2024, "the experiences reported during that period were even more extreme." *Id.*, Ex. 53 at 2. The second report pointed out Columbia's "recurring lack of enforcement of existing University rules and policies" in the face of "even the most clear-cut violations." *Id.*

The second step listed in the March 13 Letter from executive agencies to Columbia, in response to Columbia's request to discuss next steps, is "empower[ing] the Office of the President to suspend or expel students" and "[a]bolish[ing] the University Judicial Board ('UBJ')." March 13 Letter at 1–2. The third step is implementing "time, place, and manner rules" for protests "to prevent disruption of teaching, research, and campus life." *Id.* at 2. The fourth step is banning "masks that are intended to conceal identity or intimidate others, with exceptions for religious and health reasons." *Id.* The fifth step is conducting "investigations" and "disciplinary proceedings" for any "student groups and individuals" who were "operating" on behalf of outside "groups" and "engaged in violations of University policy." *Id.*

The sixth step listed in the March 13 Letter is: "Formalize, adopt, and promulgate *a* definition of antisemitism." *Id.* (emphasis altered). The March 13 Letter states that "President Trump's Executive Order . . . uses the [International Holocaust Remembrance Alliance ('IHRA')] definition," but the executive agencies did not demand that Columbia adopt that definition. *Id.* Rather, the March 13 Letter asserts that Columbia must "address[]" the issue of supposedly "Anti-'*Zionist*' discrimination against Jews . . . unrelated to Israel." *Id*. (emphasis added).

The seventh step listed in the March 13 Letter is empowering "Columbia security" to arrest or remove "agitators who foster an unsafe or hostile work or study environment, or otherwise interfere with classroom instruction or the functioning of the university." *Id.* The eighth step is to "[b]egin the process of placing the Middle East, South Asian, and African Studies [("MESAAS")] department under academic receivership for a minimum of five years." *Id.* The ninth and final step listed in the March 13 Letter is "to reform undergraduate admissions, international recruiting, and graduate admissions practices to conform with federal law and policy." *Id.*

On March 21, 2025, non-party Columbia released a memorandum entitled "Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia." Rosenthal Decl., Ex. 27 (the "March 21 Memo"). In that memorandum, Columbia announced eighteen actions in response to "the discrimination, harassment, and antisemitic acts [its] Jewish community has faced in the wake of October 7, 2023." March 21 Memo at 1. Many of the actions Columbia announced in its March 21 Memo align with the steps listed in the government's March 13 Letter, while others do not. *Compare* March 21 Memo, *with* March 13 Letter.

Defendants submit evidence that, in the *Khalil* case mentioned above (where, unlike here, Columbia was a party), Columbia represented that "all of the 18 actions that were announced on March 21 were actions that were under review and work and development for many months"

before Columbia received the March 13 Letter. Rovner Decl., Ex. C ("*Khalil* Tr.") at 65:1–8.[6] According to Columbia, the March 13 Letter "affected [the] timing" of the release of the March 21 Memo. *Khalil* Tr. at 65:5. Consistent with these representations, the March 21 Memo describes itself as the product of "hav[ing] worked hard" to develop "a comprehensive strategy" in response to antisemitism since October 7, 2023. March 21 Memo at 1. Moreover, as noted above, Columbia first announced the creation of a Task Force on Antisemitism in November 2023, and that Task Force issued reports in March 2024 and August 2024.

The substance of the March 21 Memo reflects that Columbia did not simply implement the demands in the March 13 Letter. For example, Columbia declined to "[a]bolish" the University Judicial Board. March 13 Letter at 2; *see* March 21 Memo at 1. While the March 13 Letter demanded a ban on all "masks that are intended to conceal identity or intimidate others, with exceptions [only] for religious and health reasons," March 13 Letter at 2, Columbia announced a more narrow prohibition on masks used "for the purpose of concealing one's identity in the commission of violations of University policies or state, municipal, or federal laws," March 21 Memo at 2. With respect to the demand that Columbia adopt a definition of antisemitism, *see* March 13 Letter at 2, Columbia announced that its relevant policies "will incorporate the definition of antisemitism [that was previously] recommended by Columbia's Antisemitism Taskforce in August 2024," March 21 Memo at 2.

Columbia did not place the MESAAS department under academic receivership. *See* March 21 Memo at 3. Rather, Columbia announced that it would appoint a "new Senior Vice Provost" to

[6] On a motion to dismiss, a "court may take judicial notice of a document filed in another court" but "not for the truth of the matters asserted in the other litigation." *Glob. Network Commc'ns, Inc. v. City of New York*, 458 F.3d 150, 157 (2d Cir. 2006). This is not a motion to dismiss, and it is well-established that "that hearsay evidence may be considered by a district court in determining whether to grant a preliminary injunction." *Mullins v. City of New York*, 626 F.3d 47, 52 (2d Cir. 2010).

review Columbia's "portfolio of programs in regional areas," starting with the Middle East, whose goals would include "promoting excellence" and "intellectual diversity." *Id.*

F. Columbia Informed Some of Plaintiffs' Members their Research Is Not Aligned with the New Administration's Executive Orders.

Plaintiffs submit evidence that, on March 24, 2025, Columbia emailed some number of Columbia faculty and staff who were affected by the terminations of federal grants about potential appeals [ECF Nos. 126, 126-1 ("CGC Email")]. In that email, Columbia wrote: "*Earlier this year*, the *University conducted a risk analysis of its federal portfolio* in relation to the new administration's Executive Orders concerning *DEI, gender ideology and climate/environmental justice*. Through AI and human review, your award was identified as containing some content in one or more of these areas. Since the risk assessments were completed, the government has also identified additional 'non-aligned' areas, including vaccine research, research on COVID-19, and research involving global collaborations with countries such as China and South Africa." CGC Email at 1 (emphases added). Columbia explained that it was considering how best to "protect and restore the University's federal research portfolio" and might "need [the email recipients'] help to be prepared to file [any] appeals on time." *Id.* Columbia went on to explain its view that the "success of a potential appeal" of a termination of a grant "may turn on the ability to persuade the government that your proposal can be rescoped to address any potential concern, by eliminating or revising those areas in such a way that does not affect the science being proposed." *Id.* at 2. In its email, Columbia stressed that it was "*not* asking" recipients "to address" any "notifications that

cited 'unsafe antisemitic actions' or other similar statements." *Id.* at 2 (emphasis in original).

III. LEGAL STANDARDS

A. Standing

"Federal courts do not possess a roving commission to publicly opine on every legal question" that makes news. *TransUnion LLC v. Ramirez*, 594 U.S. 413, 423 (2021). Further, and pertinent here, "[f]ederal courts do not exercise general legal oversight of the . . . Executive Branch[.]" *Id.* at 424. As the Supreme Court has recently reaffirmed, "the courts have no business deciding . . . a dispute [that] is not a proper case or controversy" between the parties to the action before the court. *Murthy v. Missouri*, 603 U.S. 43, 57 (2024) (quoting *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 341 (2006)).

"A proper case or controversy exists only when at least one plaintiff 'establishes'" standing. *Id.* (brackets omitted) (quoting *Raines v. Byrd*, 521 U.S. 811, 818 (1997)). "That, in turn, requires a plaintiff to demonstrate that it has '(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.'" *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 199 (2023) (quoting *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016)). As the Supreme Court has explained, the "standing inquiry [must be] especially rigorous" where, as here, plaintiffs ask a court "to decide [that] an action taken by one of the other two branches of the Federal Government was unconstitutional." *Raines*, 521 U.S. at 819–20.

B. Preliminary Injunction

A preliminary injunction "is an extraordinary and drastic remedy," which a district court should not grant "unless the movant, by a clear showing, carries the burden of persuasion." *Moore v. Consol. Edison Co.*, 409 F.3d 506, 510 (2d Cir. 2005); *see Hanson Tr. PLC v. SCM Corp.*, 774

F.2d 47, 60 (2d Cir. 1985). Where, as here "the movant is seeking to modify the status quo by virtue of a *mandatory* preliminary injunction (as opposed to seeking a *prohibitory* preliminary injunction to maintain the status quo)," the movant has an even higher burden. *Yang v. Kosinski*, 960 F.3d 119, 127–28 (2d Cir. 2020) (emphasis in original) (internal quotation marks and citations omitted). To obtain a preliminary injunction, the movant must carry the heavy burden of clearly showing: (1) a likelihood of success on the merits; (2) a likelihood of irreparable injury in the absence of an injunction; (3) that the balance of equities tips in the plaintiff's favor; and (4) that the public interest would not be disserved by the issuance of an injunction. *Benihana, Inc. v. Benihana of Tokyo, LLC*, 784 F.3d 887, 895 (2d Cir. 2015); *See* Fed. R. Civ. P. 65(a). "When the government is a party to the suit, [the] inquiries into the public interest and the balance of the equities merge." *We The Patriots USA, Inc. v. Hochul*, 17 F.4th 266, 295 (2d Cir. 2021).

IV. CONCLUSIONS OF LAW

Plaintiffs lack standing to assert the claims they purport to allege in this case. They are inserting themselves into a quarrel between the Executive Branch and non-party Columbia, which, Plaintiffs' own submissions make clear, Columbia wishes to resolve cooperatively, and perhaps through administrative appeals, without resorting to litigation that might further imperil Columbia's resources and reputation. *See supra* n.1; CGC Email; Pl. Mem. at 6. Indeed, Plaintiffs' and Columbia's different assessments of the litigation risks simply underscores that non-party Columbia is the party with "the personal stake in the litigation." *Klein on behalf of Qlik Techs., Inc. v. Qlik Techs., Inc.*, 906 F.3d 215, 221 (2d Cir. 2018). This Court has no authority to opine on the legality of Executive Branch actions against an entity that is not a party to this case. *See TransUnion*, 594 U.S. at 423–424; *Murthy*, 603 U.S. at 57.

As the Supreme Court has stressed, "plaintiffs must demonstrate standing for each claim

that they press against each defendant, and for each form of relief that they seek." *Murthy*, 603 U.S. at 44 (internal quotation marks and citation omitted). The principal relief Plaintiffs seek is a judicial order commanding executive agencies to pay out money to non-party Columbia pursuant to grants and contracts that were previously awarded by executive agencies to non-party Columbia. *See* Proposed PI ¶ 1(a)–(b). However, as set forth above, neither Plaintiffs nor their members were ever the recipients of those grants and contracts. *See, e.g.*, Lorsch Decl. ¶¶ 8, 12; *see also* Rovner Decl. ¶¶ 2, 3. "Absent a contractual relationship there can be no contractual remedy." *Hillside Metro Assocs., LLC v. JPMorgan Chase Bank, Nat. Ass'n*, 747 F.3d 44, 49 (2d Cir. 2014) (brackets and citation omitted) (holding that a party lacks prudential standing to enforce a contract "to which it is neither a party nor a third-party beneficiary"); *see also California*, 604 U.S. at __, 145 S. Ct. at 968 (characterizing DOE "grants" as a "contractual obligation to pay money").[7] Plaintiffs, who have the burden, fail to demonstrate that they have standing to demand payments to a non-party. *See Murthy*, 603 U.S. at 57.[8]

Furthermore, with respect to each of their numerous claims, Plaintiffs fail to show any cognizable injury to themselves and fail to show injuries to their members that are fairly traceable

[7] As discussed above and below, Plaintiffs' members may have benefited from federal funds, but "[p]roving third-party beneficiary status requires that the contract terms clearly evidence an intent to permit enforcement by the third party in question." *Hillside Metro Assocs., LLC*, 747 F.3d at 49 (internal quotation marks and citations omitted). Here, Plaintiffs offer no evidence that their members were third-party beneficiaries to any grants or contracts. Rather, the relevant evidence demonstrates that, for example, the NIH awarded grants to Columbia alone (which, in turn, designated the principal investigator on the grant from among its faculty). *See* Lorsch Decl. ¶¶ 8, 12. With respect to enforcement, Plaintiffs' own evidence suggests that *Columbia* had to conduct "appeals" of "the *University's* federal research portfolio" and was merely enlisting "help to be prepared to file such appeals" from Plaintiffs' members. CGC Email at 1 (emphasis added). This evidence suggests that non-party Columbia's grants and contracts did not contemplate enforcement by Plaintiffs' members. *See Hillside Metro Assocs., LLC*, 747 F.3d at 49.

[8] Relatedly, Plaintiffs purport to assert a claim pursuant to the "unconstitutional conditions" doctrine, but, as Plaintiffs themselves quote the Second Circuit explaining, that doctrine prohibits the government from placing "a condition on the receipt of a benefit or subsidy that infringes upon *the recipient's* constitutionally protected rights." Cmpl. ¶ 299 (quoting *All. for Open Soc'y Int'l, Inc.*, 651 F.3d at 231). Neither Plaintiffs nor their members are "the recipient" of any of the grants or contracts at issue in this case.

to any defendant. Organizations, such as Plaintiffs, may assert standing in two ways. First, an organization may assert "standing in its own right to seek judicial relief from injury to itself." *Warth v. Seldin*, 422 U.S. 490, 511 (1975); *see NY Civil Liberties Union v. NYC Transit Auth.*, 684 F.3d 286, 294 (2d Cir. 2014). Second, an organization may "assert 'standing solely as the representative of its members.'" *Students for Fair Admissions, Inc.*, 600 U.S. at 199 (quoting *Warth*, 422 U.S. at 511). The second "approach is known as representational . . . standing." *Id.* To establish representational standing, "an organization must demonstrate that '(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.'" *Id.* (quoting *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 343 (1977)).

Plaintiffs unconvincingly assert that "[e]ach Plaintiff independently has" standing in its own right "because Defendants' actions have 'directly affected and interfered with [Plaintiffs'] core business activities,' not merely their 'abstract social interests.'" Pl. Mem. at 9–10 (quoting *Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367, 394–395 (2024)). Plaintiffs' core business is to be labor unions. *See* Wolfson Decl. ¶ 4; Schmid Decl. ¶ 3. Query how many of the "1.8 million" dues-paying members of the AFT, including nurses and paraprofessionals, believe its core functions include paying a cavalry of lawyers to argue the "transcendent" importance of taxpayer funding for an elite university.[9] Schmid Decl. ¶ 3; Cmpl. ¶¶ 1–3.

To be sure, Plaintiffs submit evidence that the AAUP is not only a labor union but also a "membership association" with a "mission" to "advance academic freedom." Wolfson Decl. ¶ 7. Nevertheless, Article III standing requires "far more" than an alleged "setback" to the AAUP's

[9] According to the docket sheet, at least eleven attorneys represent Plaintiffs in this case.

interest in academic freedom. *All. for Hippocratic Med.*, 602 U.S. at 394. To establish an injury-in-fact to itself, the AAUP must show a concrete harm that has actually occurred or is "certainly impending." *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 401 (2013) (internal quotation marks and citation omitted). The AAUP submits that it has suffered an injury because it has "diverted internal resources of staff time and expenses to assist Columbia members in the [Middle East, South Asian, and African Studies, *i.e.*,] MESAAS Department and other departments *prepare* to respond to the Trump Administration's demand[] that the MESAAS Department be put under academic receivership, and to respond to the internal governance steps *Columbia* has announced." Wolfson Decl. ¶ 20 (emphases added).

Fatally for Plaintiffs, the Supreme Court has held that "an organization that has not suffered a concrete injury caused by a defendant's action cannot spend its way into standing simply by expending money to gather information and advocate against the defendant's action." *All. for Hippocratic Med.*, 602 U.S. at 394. The AAUP cannot establish an injury-in-fact merely because it elected to expend resources *preparing* to respond to a potential development that has not occurred and is not "certainly impending." *Clapper*, 568 U.S. at 401. The Columbia MESAAS Department is not under academic receivership. *See* March 21 Memo at 3. As discussed further below, any resources Plaintiffs expended "respond[ing] to the internal governance steps *Columbia* has announced," Wolfson Decl. ¶ 20 (emphases added), are not injuries traceable to *Defendants*. Neither the ATF nor the AAUP has demonstrated a cognizable injury to itself.

Turning to representational standing, Plaintiffs fail to establish that any injuries their members may have suffered are fairly traceable to Defendants. As noted above, the Court does find that some of Plaintiffs members used federal grants to Columbia for their academic work. *See, e.g.*, Witte Decl. ¶ 6; Hirsch Decl. ¶¶ 8, 11. The loss of professional opportunities or income

may certainly constitute an injury in some cases. *See Nat. Res. Def. Council, Inc. v. Wheeler*, 367 F. Supp. 3d 219, 232 (S.D.N.Y. 2019). However, here, Plaintiffs have not demonstrated that it makes a difference to their members whether the funding for their research and salaries comes from American taxpayers, non-party Columbia's multi-billion-dollar endowment, the largess of Columbia's donors, or the eye-popping tuition bills paid by Columbia students, including the Jewish students who apparently paid for the privilege of being threatened with violence on their way to class. *See* Rosenthal Decl., Ex. 51 at 2.

Indeed, Plaintiffs' own evidence demonstrates that "Columbia has committed to providing salary coverage during this immediate period of uncertainty for personnel whose grants have been terminated." Hirsch ¶ 12. Plaintiffs' own evidence also demonstrates that Columbia has relied on "generous alumni" to alleviate certain "unanticipated expenses" [ECF No. 99-5 at 3]. Insofar as Columbia elects not to use its various private resources to fund specific research and personnel, Plaintiffs' members' quarrel is with Columbia.

Plaintiffs likewise fail to establish representational standing based on the alleged chilling of their members' speech and academic freedom. The numerous declarations in which Plaintiffs' members (and other individuals affiliated with Columbia with whom Plaintiffs appear to have no relationship whatsoever) attest to their "subjective" feelings of being chilled are not sufficient for standing. *Laird v. Tatum*, 408 U.S. 1, 13 (1972). Plaintiffs have not demonstrated that Defendants have harmed them because of their protected First Amendment activities or threatened a specific, imminent future harm for such protected activities. *See id.*

Plaintiffs contend that their "members fear that their speech and scholarship, if not aligned with the Trump administration, could trigger additional *punitive* funding freezes" and "demands by Defendants that their academic departments, too, be placed in academic receivership." Pl.

Mem. at 9 (emphasis added). Plaintiffs also contend that Columbia's announced reforms reflect Columbia simply "acquiesc[ing] to" Defendants' "demands." *Id.* at 21. Plaintiffs' contentions about their members' fears, Defendants' possible future actions (and the purportedly punitive nature of such actions), and Columbia's actions are all purely subjective and speculative. Evidence in the record, including Plaintiffs' own evidence, contradicts Plaintiffs' account.

As discussed above, Defendants submit evidence that they have terminated funding to Columbia because such funding was used in ways that was no longer consistent with agency priorities and for the convenience of the government. *See, e.g.*, March 3, 2025 Memo; NIH Letter; HHS Letter. Plaintiffs posit that any "reasonable person would understand that Defendants' actions" were "directed squarely at suppressing speech, association, and academic freedom rights." Pl. Mem. at 22. According to Plaintiffs, Defendants acted to punish "any support for Palestinian freedom and an anti-war perspective." Cmpl. ¶ 244. However, evidence submitted by both sides supports finding that the defendant executive agencies were responding to incidents other than protected speech and activities.

Indeed, Executive Branch communications about the termination of funding to Columbia expressly cited Columbia's protracted failure to respond to the occupation of an academic building, "Hamilton Hall," and other "disruption[s] of [the] teaching, research, and campus life" that the taxpayers were supposedly funding. March 13 Letter at 1–2; *see* NIH Letter at 1–2 ("Columbia's ongoing inaction in the face of repeated and severe harassment of Jewish students has ground day-to-day campus operations to a halt" and "deprived Jewish students" and others "of learning and research opportunities"). Columbia's own reports, which Plaintiffs put into evidence, identified incidents of "physical harm to students." Rosenthal Decl., Ex. 51 at 2; *see id.*, Ex. 53 at 2–3 (reporting that Jewish students "were on the receiving end of . . . physical assaults," and there was

"a recurring lack of enforcement of existing University rules and policies"). This evidence does not support the subjective feelings of Plaintiffs' members that funding has been or will be cut to punish protected speech and scholarship. *See Laird*, 408 U.S. at 13. Thus, in light of the Supreme Court's instruction to perform an "especially rigorous" standing inquiry before proceeding to the merits of a claim that "an action taken by one of the other two branches of the Federal Government was unconstitutional," the Court concludes that Plaintiffs fall short of demonstrating that their members have experienced more than a subjective feeling of chill in response to actions by any defendant. *Raines*, 521 U.S. at 819–20; *see Laird*, 408 U.S. at 13.

Relatedly, as noted above, Plaintiffs fall short with respect to traceability. *See Murthy*, 603 U.S. at 57–58. Based on Plaintiffs' own evidence, it was Columbia, not any of the defendants, that reached out to Plaintiffs' members to advise them that their scholarship was not aligned with the funding priorities of the Executive Branch based on Columbia's own "analysis," which analysis Columbia had performed "[e]arlier [in the] year," before the termination of any funding and before the March 13 Letter. CGC Email at 1. That email expressly was unrelated to any "notifications" about "antisemitic actions." *Id.* at 2.

Crucially, Columbia had been planning the reforms it announced in its March 21 Memo, which was about antisemitism on campus, for "many months" before any of the defendants made any demands. *Khalil* Tr. at 65:1–8. Moreover, Columbia did not merely implement the steps listed in the March 13 Letter from executive agencies, but rather exercised independent judgment. *See supra* at 17–18. For example, as noted above, Columbia did not comply with the demand to place the MESAAS Department under academic receivership but, instead, appointed a "new Senior Vice Provost" to review Columbia's whole "portfolio of programs in regional areas," starting with the Middle East, with goals to "promot[e] excellence" and "intellectual diversity." March 21 Memo

at 3. Such "independent action of [a] third party not before the court" breaks the causal chain between Defendants and any alleged injury. *Murthy*, 603 U.S. at 57 (quoting *Simon v. E. Kentucky Welfare Rts. Org.*, 426 U.S. 26, 42 (1976)). Insofar as Plaintiffs' members feel chilled by any actual changes that have taken place at Columbia, such as the review of the MESAAS Department, Plaintiffs have not shown that Columbia's actions were merely the "predictable" response to the demands of the executive agency defendants. *Murthy*, 603 U.S. at 58; *see Dep't of Com. v. New York*, 588 U.S. 752, 768 (2019).

Furthermore, Plaintiffs stress that "[d]espite Columbia's compliance," funding has not been restored. Pl. Mem. at 6. Yet Plaintiffs apparently fail to grasp that one possible inference from this state of affairs is that funding cuts were made and maintained not to punish speech but because, for example, it is not consistent with the priorities of the NIH under the current, democratically-elected President, to continue to fund Columbia's research into the impact of climate change on the mental health of women in East Africa. *See* Witte Decl. ¶ 9. Declining to fund such research is not a First Amendment injury.

Despite submitting voluminous evidence, Plaintiffs fail to establish standing in their own right and fail to establish representational standing.[10] As such, this case must be dismissed without prejudice for lack of subject matter jurisdiction. *See Do No Harm v. Pfizer Inc.*, 126 F.4th 109, 121 (2d Cir. 2025). As such "the court *cannot* consider the merits of the preliminary injunction motion." *Id.* (emphasis in original).

The Court simply notes that the Supreme Court's recent, albeit brief, opinion in *Department of Education v. California*, 604 U.S. __, 145 S. Ct. 966 (2025), raises several additional hurdles

[10] Plaintiffs were on notice that they needed to address standing, not only because it is a constitutional prerequisite for bringing any case in federal court, but also because the judge in *Khalil* raised the issue with the plaintiffs in that case immediately before Plaintiffs here filed their motion for a preliminary injunction. *See supra* at 4–5.

for Plaintiffs. As noted above, the Supreme Court characterized DOE "grants" as contracts and ruled that, as such, the district court in that case likely lacked jurisdiction to order relief because "the APA's limited waiver of immunity does not extend to orders to enforce a contractual obligation to pay money," and "the Tucker Act grants the Court of Federal Claims [exclusive] jurisdiction over suits based on . . . contract[s] with the United States." *California*, 604 U.S. at __, 145 S. Ct. at 968. In all events, the principal relief Plaintiffs seek is money, and it is well-established that a party cannot show the irreparable harm required to obtain a preliminary injunction where "money damages" can provide redress. *Kamerling v. Massanari*, 295 F.3d 206, 214 (2d Cir. 2002); *see Petereit v. S.B. Thomas, Inc.*, 63 F.3d 1169, 1186 (2d Cir. 1995).

The Court also notes, with respect to the merits, that Plaintiffs posit, without citation to any authority, that the Executive Branch may not count repudiating antisemitism among "agency priorities" within the meaning of 2 C.F.R. § 200.340(a)(4). The Court is not aware of authority for that particular limitation on agency priorities. Rather, all of Plaintiffs' arguments that Defendants violated the APA (and the separation of powers) by failing to comply with procedural requirements for cutting funding pursuant to Title VI simply presuppose that Title VI is the exclusive vehicle by which the Executive Branch may withdraw financial support for an institution that allows religious discrimination.

The Court urges Plaintiffs, and the amici who decry Defendants' alleged failure to follow Title VI to the letter, to review the text of that statute. Title VI does not mention religion. *See* 42 U.S.C. § 2000d ("No 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.") (emphases added); *see also Kajoshaj v. New York City Dep't of Educ.*, 543 F. App'x 11, 13 & n.2 (2d Cir.

2013) (noting that "Title VI does not, by its terms, proscribe religious discrimination"). As such, it strikes this Court as unlikely that Title VI is the sole and exclusive "legal tool[]" available to a President who instructs executive agencies to prioritize "combat[ting] anti-Semitism . . . on university and college campuses" [ECF No. 48-7 ("EO")].

Plaintiffs blithely assert that the balance of equities and the public interest "strongly favor preliminary relief" and that "[n]o public interest is served by allowing continued violations of Title VI, the APA, and the Constitution." Pl. Mem. at 28, 29. However, it is not the role of a district court judge to direct the policies of the Executive Branch first and ask questions later. Plaintiffs have not established their standing to litigate this case, let alone any violation of any law.

V. CONCLUSION

For the reasons set forth above, Plaintiffs' motion for a preliminary injunction [ECF No. 24] is DENIED, and this case is DISMISSED without prejudice.

The Clerk of Court respectfully is requested to terminate the motion pending at docket entry 24 and to close this case.

SO ORDERED.

Date: June 16, 2025
New York, NY

MARY KAY VYSKOCIL
United States District Judge

F rst Amendment to the Un ted States Const tut on

C ngress shall make n law respecting an establishment f religi n, r pr hibiting the free exercise there f; r abridging the freed m f speech, r f the press; r the right f the pe ple peaceably t assemble, and t petiti n the g vernment f r a redress f grievances.

sections 301(a)(1) and 507 of Pub. L. 96–88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education to Secretary of Education.

§ 2000c–6. Civil actions by the Attorney General

(a) Complaint; certification; notice to school board or college authority; institution of civil action; relief requested; jurisdiction; transportation of pupils to achieve racial balance; judicial power to insure compliance with constitutional standards; impleading additional parties as defendants

Whenever the Attorney General receives a complaint in writing—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, sex or national origin,

and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) Persons unable to initiate and maintain legal proceedings

The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

(c) "Parent" and "complaint" defined

The term ''parent'' as used in this section includes any person standing in loco parentis. A ''complaint'' as used in this section is a writing or document within the meaning of section 1001, title 18.

(Pub. L. 88–352, title IV, § 407, July 2, 1964, 78 Stat. 248; Pub. L. 92–318, title IX, § 906(a), June 23, 1972, 86 Stat. 375.)

Editorial Notes

AMENDMENTS

1972—Subsec. (a)(2). Pub. L. 92–318 inserted ''sex'' after ''religion,''.

§ 2000c–7. Liability of United States for costs

In any action or proceeding under this subchapter the United States shall be liable for costs the same as a private person.

(Pub. L. 88–352, title IV, § 408, July 2, 1964, 78 Stat. 249.)

§ 2000c–8. Personal suits for relief against discrimination in public education

Nothing in this subchapter shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

(Pub. L. 88–352, title IV, § 409, July 2, 1964, 78 Stat. 249.)

§ 2000c–9. Classification and assignment

Nothing in this subchapter shall prohibit classification and assignment for reasons other than race, color, religion, sex or national origin.

(Pub. L. 88–352, title IV, § 410, July 2, 1964, 78 Stat. 249; Pub. L. 92–318, title IX, § 906(a), June 23, 1972, 86 Stat. 375.)

Editorial Notes

AMENDMENTS

1972—Pub. L. 92–318 inserted ''sex'' after ''religion,''.

SUBCHAPTER V—FEDERALLY ASSISTED PROGRAMS

§ 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin

No 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.

(Pub. L. 88–352, title VI, § 601, July 2, 1964, 78 Stat. 252.)

Executive Documents

COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF PROVISIONS

For provisions relating to the coordination of implementation and enforcement of the provisions of this

subchapter by the Attorney General, see section 1–201 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d–1 of this title.

EX. ORD. NO. 13160. NONDISCRIMINATION ON THE BASIS OF RACE, SEX, COLOR, NATIONAL ORIGIN, DISABILITY, RELIGION, AGE, SEXUAL ORIENTATION, AND STATUS AS A PARENT IN FEDERALLY CONDUCTED EDUCATION AND TRAINING PROGRAMS

Ex. Ord. No. 13160, June 23, 2000, 65 F.R. 39775, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 921–932 of title 20, United States Code; section 2164 of title 10, United States Code; section 2001 *et seq.*, of title 25, United States Code; section 7301 of title 5, United States Code; and section 301 of title 3, United States Code, and to achieve equal opportunity in Federally conducted education and training programs and activities, it is hereby ordered as follows:

SECTION 1. *Statement of policy on education programs and activities conducted by executive departments and agencies.*

1–101. The Federal Government must hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance. Existing laws and regulations prohibit certain forms of discrimination in Federally conducted education and training programs and activities—including discrimination against people with disabilities, prohibited by the Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, as amended, employment discrimination on the basis of race, color, national origin, sex, or religion, prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–17 [42 U.S.C. 2000e et seq.], as amended, discrimination on the basis of race, color, national origin, or religion in educational programs receiving Federal assistance, under Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d [et seq.], and sex-based discrimination in education programs receiving Federal assistance under Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq*. Through this Executive Order, discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent will be prohibited in Federally conducted education and training programs and activities.

1–102. No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a Federally conducted education or training program or activity.

SEC. 2. *Definitions.*

2–201. ''Federally conducted education and training programs and activities'' includes programs and activities conducted, operated, or undertaken by an executive department or agency.

2–202. ''Education and training programs and activities'' include, but are not limited to, formal schools, extracurricular activities, academic programs, occupational training, scholarships and fellowships, student internships, training for industry members, summer enrichment camps, and teacher training programs.

2–203. The Attorney General is authorized to make a final determination as to whether a program falls within the scope of education and training programs and activities covered by this order, under subsection 2–202, or is excluded from coverage, under section 3.

2–204. ''Military education or training programs'' are those education and training programs conducted by the Department of Defense or, where the Coast Guard is concerned, the Department of Transportation, for the primary purpose of educating or training members of the armed forces or meeting a statutory requirement to educate or train Federal, State, or local civilian law enforcement officials pursuant to 10 U.S.C. Chapter 18.

2–205. ''Armed Forces'' means the Armed Forces of the United States.

2–206. ''Status as a parent'' refers to the status of an individual who, with respect to an individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

(a) a biological parent;
(b) an adoptive parent;
(c) a foster parent;
(d) a stepparent;
(e) a custodian of a legal ward;
(f) in loco parentis over such an individual; or
(g) actively seeking legal custody or adoption of such an individual.

SEC. 3. *Exemption from coverage.*

3–301. This order does not apply to members of the armed forces, military education or training programs, or authorized intelligence activities. Members of the armed forces, including students at military academies, will continue to be covered by regulations that currently bar specified forms of discrimination that are now enforced by the Department of Defense and the individual service branches. The Department of Defense shall develop procedures to protect the rights of and to provide redress to civilians not otherwise protected by existing Federal law from discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent and who participate in military education or training programs or activities conducted by the Department of Defense.

3–302. This order does not apply to, affect, interfere with, or modify the operation of any otherwise lawful affirmative action plan or program.

3–303. An individual shall not be deemed subjected to discrimination by reason of his or her exclusion from the benefits of a program established consistent with federal law or limited by Federal law to individuals of a particular race, sex, color, disability, national origin, age, religion, sexual orientation, or status as a parent different from his or her own.

3–304. This order does not apply to ceremonial or similar education or training programs or activities of schools conducted by the Department of the Interior, Bureau of Indian Affairs, that are culturally relevant to the children represented in the school. ''Culturally relevant'' refers to any class, program, or activity that is fundamental to a tribe's culture, customs, traditions, heritage, or religion.

3–305. This order does not apply to (a) selections based on national origin of foreign nationals to participate in covered education or training programs, if such programs primarily concern national security or foreign policy matters; or (b) selections or other decisions regarding participation in covered education or training programs made by entities outside the executive branch. It shall be the policy of the executive branch that education or training programs or activities shall not be available to entities that select persons for participation in violation of Federal or State law.

3–306. The prohibition on discrimination on the basis of age provided in this order does not apply to age-based admissions of participants to education or training programs, if such programs have traditionally been age-specific or must be age-limited for reasons related to health or national security.

SEC. 4. *Administrative enforcement.*

4–401. Any person who believes himself or herself to be aggrieved by a violation of this order or its implementing regulations, rules, policies, or guidance may, personally or through a representative, file a written complaint with the agency that such person believes is in violation of this order or its implementing regulations, rules, policies, or guidance. Pursuant to procedures to be established by the Attorney General, each executive department or agency shall conduct an investigation of any complaint by one of its employees alleging a violation of this Executive Order.

4–402. (a) If the office within an executive department or agency that is designated to investigate complaints

for violations of this order or its implementing rules, regulations, policies, or guidance concludes that an employee has not complied with this order or any of its implementing rules, regulations, policies, or guidance, such office shall complete a report and refer a copy of the report and any relevant findings or supporting evidence to an appropriate agency official. The appropriate agency official shall review such material and determine what, if any, disciplinary action is appropriate.

(b) In addition, the designated investigating office may provide appropriate agency officials with a recommendation for any corrective and/or remedial action. The appropriate officials shall consider such recommendation and implement corrective and/or remedial action by the agency, when appropriate. Nothing in this order authorizes monetary relief to the complainant as a form of remedial or corrective action by an executive department or agency.

4–403. Any action to discipline an employee who violates this order or its implementing rules, regulations, policies, or guidance, including removal from employment, where appropriate, shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act of 1978, Public Law No. 95–454, 92 Stat. 1111 [see Tables for classification].

SEC. 5. *Implementation and Agency Responsibilities.*

5–501. The Attorney General shall publish in the Federal Register such rules, regulations, policies, or guidance, as the Attorney General deems appropriate, to be followed by all executive departments and agencies. The Attorney General shall address:

a. which programs and activities fall within the scope of education and training programs and activities covered by this order, under subsection 2–202, or excluded from coverage, under section 3 of this order;

b. examples of discriminatory conduct;

c. applicable legal principles;

d. enforcement procedures with respect to complaints against employees;

e. remedies;

f. requirements for agency annual and tri-annual reports as set forth in section 6 of this order; and

g. such other matters as deemed appropriate.

5–502. Within 90 days of the publication of final rules, regulations, policies, or guidance by the Attorney General, each executive department and agency shall establish a procedure to receive and address complaints regarding its Federally conducted education and training programs and activities. Each executive department and agency shall take all necessary steps to effectuate any subsequent rules, regulations, policies, or guidance issued by the Attorney General within 90 days of issuance.

5–503. The head of each executive department and agency shall be responsible for ensuring compliance within this order.

5–504. Each executive department and agency shall cooperate with the Attorney General and provide such information and assistance as the Attorney General may require in the performance of the Attorney General's functions under this order.

5–505. Upon request and to the extent practicable, the Attorney General shall provide technical advice and assistance to executive departments and agencies to assist in full compliance with this order.

SEC. 6. *Reporting Requirements.*

6–601. Consistent with the regulations, rules, policies, or guidance issued by the Attorney General, each executive department and agency shall submit to the Attorney General a report that summarizes the number and nature of complaints filed with the agency and the disposition of such complaints. For the first 3 years after the date of this order, such reports shall be submitted annually within 90 days of the end of the preceding year's activities. Subsequent reports shall be submitted every 3 years and within 90 days of the end of each 3-year period.

SEC. 7. *General Provisions.*

7–701. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order 12250 [42 U.S.C. 2000d–1 note].

SEC. 8. *Judicial Review.*

8–801. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701, *et seq.*

WILLIAM J. CLINTON.

EX. ORD. NO. 13899. COMBATING ANTI-SEMITISM

Ex. Ord. No. 13899, Dec. 11, 2019, 84 F.R. 68779, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* My Administration is committed to combating the rise of anti-Semitism and anti-Semitic incidents in the United States and around the world. Anti-Semitic incidents have increased since 2013, and students, in particular, continue to face anti-Semitic harassment in schools and on university and college campuses.

Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d *et seq.*, prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance. While Title VI does not cover discrimination based on religion, individuals who face discrimination on the basis of race, color, or national origin do not lose protection under Title VI for also being a member of a group that shares common religious practices. Discrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual's race, color, or national origin.

It shall be the policy of the executive branch to enforce Title VI against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.

SEC. 2. *Ensuring Robust Enforcement of Title VI.* (a) In enforcing Title VI, and identifying evidence of discrimination based on race, color, or national origin, all executive departments and agencies (agencies) charged with enforcing Title VI shall consider the following:

(i) the non-legally binding working definition of anti-Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA), which states, ''Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities''; and

(ii) the ''Contemporary Examples of Anti-Semitism'' identified by the IHRA, to the extent that any examples might be useful as evidence of discriminatory intent.

(b) In considering the materials described in subsections (a)(i) and (a)(ii) of this section, agencies shall not diminish or infringe upon any right protected under Federal law or under the First Amendment. As with all other Title VI complaints, the inquiry into whether a particular act constitutes discrimination prohibited by Title VI will require a detailed analysis of the allegations.

SEC. 3. *Additional Authorities Prohibiting Anti-Semitic Discrimination.* Within 120 days of the date of this order [Dec. 11, 2019], the head of each agency charged with enforcing Title VI shall submit a report to the President, through the Assistant to the President for Domestic Policy, identifying additional nondiscrimination authorities within its enforcement authority with respect to which the IHRA definition of anti-Semitism could be considered.

SEC. 4. *Rule of Construction.* Nothing in this order shall be construed to alter the evidentiary require-

ments pursuant to which an agency makes a determination that conduct, including harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights protected under any other provision of law.

SEC. 5. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 2000d–1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall 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. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

(Pub. L. 88–352, title VI, § 602, July 2, 1964, 78 Stat. 252.)

Executive Documents

DELEGATION OF FUNCTIONS

Function of the President relating to approval of rules, regulations, and orders of general applicability under this section, delegated to the Attorney General, see section 1–101 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out below.

EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT

Nondiscrimination in government employment and in employment by government contractors and subcontractors, see Ex. Ord. No. 11246, eff. Sept. 24, 1965, 30 F.R. 12319, and Ex. Ord. No. 11478, eff. Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of this title.

EXECUTIVE ORDER NO. 11247

Ex. Ord. No. 11247, eff. Sept. 24, 1965, 30 F.R. 12327, which related to enforcement of coordination of nondiscrimination in federally assisted programs, was superseded by Ex. Ord. No. 11764, eff. Jan. 21, 1974, 39 F.R. 2575, formerly set out below.

EXECUTIVE ORDER NO. 11764

Ex. Ord. No. 11764, Jan. 21, 1974, 39 F.R. 2575, which related to coordination of enforcement of provisions of this subchapter, was revoked by section 1–501 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72996, set out below.

EX. ORD. NO. 12250. LEADERSHIP AND COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF NONDISCRIMINATION LAWS

Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1–1. DELEGATION OF FUNCTION

1–101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–2. COORDINATION OF NONDISCRIMINATION PROVISIONS

1–201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color,

ments pursuant to which an agency makes a determination that conduct, including harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights protected under any other provision of law.

SEC. 5. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 2000d–1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall 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. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

(Pub. L. 88–352, title VI, § 602, July 2, 1964, 78 Stat. 252.)

Executive Documents

DELEGATION OF FUNCTIONS

Function of the President relating to approval of rules, regulations, and orders of general applicability under this section, delegated to the Attorney General, see section 1–101 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out below.

EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT

Nondiscrimination in government employment and in employment by government contractors and subcontractors, see Ex. Ord. No. 11246, eff. Sept. 24, 1965, 30 F.R. 12319, and Ex. Ord. No. 11478, eff. Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of this title.

EXECUTIVE ORDER NO. 11247

Ex. Ord. No. 11247, eff. Sept. 24, 1965, 30 F.R. 12327, which related to enforcement of coordination of nondiscrimination in federally assisted programs, was superseded by Ex. Ord. No. 11764, eff. Jan. 21, 1974, 39 F.R. 2575, formerly set out below.

EXECUTIVE ORDER NO. 11764

Ex. Ord. No. 11764, Jan. 21, 1974, 39 F.R. 2575, which related to coordination of enforcement of provisions of this subchapter, was revoked by section 1–501 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72996, set out below.

EX. ORD. NO. 12250. LEADERSHIP AND COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF NONDISCRIMINATION LAWS

Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1–1. DELEGATION OF FUNCTION

1–101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–2. COORDINATION OF NONDISCRIMINATION PROVISIONS

1–201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color,

national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1–202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1–203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1–204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1–205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1–206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1–207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding, designed to improve the coordination of the laws covered by this Order.

1–3. IMPLEMENTATION BY THE ATTORNEY GENERAL

1–301. In consultation with the affected agencies, the Attorney General shall promptly prepare a plan for the implementation of this Order. This plan shall be submitted to the Director of the Office of Management and Budget.

1–302. The Attorney General shall periodically evaluate the implementation of the nondiscrimination provisions of the laws covered by this Order, and advise the heads of the agencies concerned on the results of such evaluations as to recommendations for needed improvement in implementation or enforcement.

1–303. The Attorney General shall carry out his functions under this Order, including the issuance of such regulations as he deems necessary, in consultation with affected agencies.

1–304. The Attorney General shall annually report to the President through the Director of the Office of Management and Budget on the progress in achieving the purposes of this Order. This report shall include any recommendations for changes in the implementation or enforcement of the nondiscrimination provisions of the laws covered by this Order.

1–305. The Attorney General shall chair the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794c).

1–4. AGENCY IMPLEMENTATION

1–401. Each Executive agency shall cooperate with the Attorney General in the performance of the Attorney General's functions under this Order and shall, unless prohibited by law, furnish such reports and information as the Attorney General may request.

1–402. Each Executive agency responsible for implementing a nondiscrimination provision of a law covered by this Order shall issue appropriate implementing directives (whether in the nature of regulations or policy guidance). To the extent permitted by law, they shall be consistent with the requirements prescribed by the Attorney General pursuant to this Order and shall be subject to the approval of the Attorney General, who may require that some or all of them be submitted for approval before taking effect.

1–403. Within 60 days after a date set by the Attorney General, Executive agencies shall submit to the Attorney General their plans for implementing their responsibilities under this Order.

1–5. GENERAL PROVISIONS

1–501. Executive Order No. 11764 is revoked. The present regulations of the Attorney General relating to the coordination of enforcement of Title VI of the Civil Rights Act of 1964 [this subchapter] shall continue in effect until revoked or modified (28 CFR 42.401 to 42.415).

1–502. Executive Order No. 11914 is revoked. The present regulations of the Secretary of Health and Human Services relating to the coordination of the implementation of Section 504 of the Rehabilitation Act of 1973, as amended [29 U.S.C. 794], shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General.

1–503. Nothing in this Order shall vest the Attorney General with the authority to coordinate the implementation and enforcement by Executive agencies of statutory provisions relating to equal employment.

1–504. Existing agency regulations implementing the nondiscrimination provisions of laws covered by this Order shall continue in effect until revoked or modified.

JIMMY CARTER.

EX. ORD. NO. 13166. IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

Ex. Ord. No. 13166, Aug. 11, 2000, 65 F.R. 50121, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

SECTION 1. *Goals.*

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

SEC. 2. *Federally Conducted Programs and Activities.*

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activi-

ties by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

SEC. 3. *Federally Assisted Programs and Activities.*

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

SEC. 4. *Consultations.*

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

SEC. 5. *Judicial Review.*

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON.

§ 2000d–2. Judicial review; administrative procedure provisions

Any department or agency action taken pursuant to section 2000d–1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d–1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

(Pub. L. 88–352, title VI, § 603, July 2, 1964, 78 Stat. 253.)

Editorial Notes

CODIFICATION

''Chapter 7 of title 5'' and ''that chapter'' substituted in text for ''section 10 of the Administrative Procedure Act'' and ''that section'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Prior to the enactment of Title 5, section 10 of the Administrative Procedure Act was classified to section 1009 of Title 5.

§ 2000d–3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

(Pub. L. 88–352, title VI, § 604, July 2, 1964, 78 Stat. 253.)

§ 2000d–4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

(Pub. L. 88–352, title VI, § 605, July 2, 1964, 78 Stat. 253.)

§ 2000d–4a. "Program or activity" and "program" defined

For the purposes of this subchapter, the term ''program or activity'' and the term ''program'' mean all of the operations of—

(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 7801 of title 20), system of vocational education, or other school system;

(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Fed-

ties by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

SEC. 3. *Federally Assisted Programs and Activities.*

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

SEC. 4. *Consultations.*

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

SEC. 5. *Judicial Review.*

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON.

§ 2000d–2. Judicial review; administrative procedure provisions

Any department or agency action taken pursuant to section 2000d–1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d–1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

(Pub. L. 88–352, title VI, § 603, July 2, 1964, 78 Stat. 253.)

Editorial Notes

CODIFICATION

''Chapter 7 of title 5'' and ''that chapter'' substituted in text for ''section 10 of the Administrative Procedure Act'' and ''that section'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Prior to the enactment of Title 5, section 10 of the Administrative Procedure Act was classified to section 1009 of Title 5.

§ 2000d–3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

(Pub. L. 88–352, title VI, § 604, July 2, 1964, 78 Stat. 253.)

§ 2000d–4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

(Pub. L. 88–352, title VI, § 605, July 2, 1964, 78 Stat. 253.)

§ 2000d–4a. "Program or activity" and "program" defined

For the purposes of this subchapter, the term ''program or activity'' and the term ''program'' mean all of the operations of—

(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 7801 of title 20), system of vocational education, or other school system;

(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Fed-

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2025, I electronically filed the foregoing Special Appendix with the Clerk of Court for the United States Court of Appeals for the Second Circuit using the ACMS system, which will send notice of such filing to all counsel of record in compliance with Local Rule 25.1(h)(2).

Dated: September 22, 2025

By: s/ Rachel Goodman

Rachel Goodman
Protect Democracy Project
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
Fax: (202) 769-3176
rachel.goodman@protectdemocracy.org

Counsel for Plaintiffs-Appellants