

No. 25-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, AMERICAN
FEDERATION OF TEACHERS,

Plaintiffs - Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
(For Continuation of Caption, See Inside Cover)

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 (JA26 – JA289)
VOLUME 2 OF 8

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(Caption Continued) PAMELA BONDI, in her official capacity as the U.S. Attorney General, LEO TERRELL, in his official capacity as Senior Counsel to the Assistant Attorney General for Civil Rights and head of the DOJ Task Force to Combat Anti-Semitism, UNITED STATES DEPARTMENT OF EDUCATION, LINDA MCMAHON, in her official capacity as the U.S. Secretary of Education, THOMAS E. WHEELER, in his official capacity as Acting General Counsel of the U.S. Department of Education, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ROBERT F. KENNEDY, JR., in his official capacity as the U.S. Secretary of Health and Human Services, SEAN R. KEVENEY, in his official capacity as Acting General Counsel of the U.S. Department of Health and Human Services, NATIONAL INSTITUTES OF HEALTH, MATTHEW J. MEMOLI, in his official capacity as the Acting Director of the National Institutes of Health, UNITED STATES GENERAL SERVICES ADMINISTRATION, STEPHEN EHIKIAN, in his official capacity as Acting Administrator of the U.S. General Services Administration, JOSH GRUENBAUM, in his official capacity as Commissioner of the Federal Acquisition Service,

Defendants - Appellees.

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**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 (<i>Condemning Hate and Affirming Freedom of Speech on Campus</i> , 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, <i>Hungary Continues Attacks on Academic Freedom</i> , Human Rights Watch (Sept. 3, 2020))	JA202

14	47-2	04/04/25	Exhibit 2 to the Declaration of Jonathan Rosenthal (Muzaffer Kaya, <i>Turkey's Purge of Critical Academia</i> , Middle East Report 288 (Fall 2018))	JA205
15	47-3	04/04/25	Exhibit 3 to the Declaration of Jonathan Rosenthal (Pedro Salgado, <i>The Crisis of Brazilian Universities: Higher Education Under Bolsonaro</i> , 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 (<i>Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions</i> , DJTFP 2024 (July 17, 2024))	JA225
17	47-5	04/04/25	Exhibit 5 to the Declaration of Jonathan Rosenthal (<i>Agenda47: The American Academy</i> , DJTFP 2024 (Nov. 1, 2023))	JA229
18	47-6	04/04/25	Exhibit 6 to the Declaration of Jonathan Rosenthal (Henry Reichman, <i>'The Professors Are the Enemy' Right-wing attacks on academic freedom have real repercussions.</i> , 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>"I would like to see European elites actually listen to their people for a change": An Interview with J.D. Vance</i> , The European Conservative (Feb. 22, 2024))	JA240
20	47-8	04/04/25	Exhibit 8 to the Declaration of Jonathan Rosenthal (Leo Terrell, <i>Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism On Campus</i> , 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., <i>Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness</i> , 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., <i>Nerves Electrify Stomach Cancer, Sparking Growth and Spread</i> , 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, <i>Training Your Electronic Health Record to Think Like a Liver Doctor</i> , 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, <i>A New Kind of Crisis for American Universities</i> , The Atlantic (Feb. 10, 2025))	JA299
28	48-6	04/04/25	Exhibit 16 to the Declaration of Jonathan Rosenthal (Willem Marx, <i>Campus protests over the war in Gaza have gone international</i> , 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, <i>Justice Department Announces Formation of Task Force to Combat</i>	JA324

			<i>Anti-Semitism</i> , 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, <i>Justice Department Announces Formation of Task Force to Combat Anti-Semitism</i> , U.S. Department of Education (Feb. 3, 2025))	JA328
32	48-10	04/04/25	Exhibit 20 to the Declaration of Jonathan Rosenthal (<i>Statement on Notice From U.S. Department of Education Office of Civil Rights</i> , Columbia University Office of Public Affairs (Feb. 3, 2025))	JA331
33	49-1	04/04/25	Exhibit 21 to the Declaration of Jonathan Rosenthal (<i>HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses</i> , 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 (<i>DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth \$400 million</i> , 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., <i>Decades Ago, Columbia Refused to Pay Trump \$400 Million</i> , The New York Times (March 21, 2025))	JA345
37	49-5	04/04/25	Exhibit 25 to the Declaration of Jonathan Rosenthal (<i>Responding to Federal Action</i> , 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 (<i>Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia, Columbia University</i>)	JA359
40	49-8	04/04/25	Exhibit 28 to the Declaration of Jonathan Rosenthal (<i>HHS, ED, and GSA Respond to Columbia University's Actions to Comply with Joint Task Force Pre-Conditions</i> , 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, <i>Hundred of research grants at Columbia canceled following Trump edict, administrator says</i> , 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, <i>Trump's Columbia Cuts Start Hitting Postdocs, Professors</i> , Inside Higher Ed (March 13, 2025))	JA420
45	50-3	04/04/25	Exhibit 33 to the Declaration of Jonathan Rosenthal (Humberto Basilio, <i>'My career is over': Columbia University scientists hit hard by Trump team's cuts</i> , Nature ((March 14, 2025))	JA428
46	50-4	04/04/25	Exhibit 34 to the Declaration of Jonathan Rosenthal (Joseph Goldstein, <i>Medical Research at Columbia Is Imperiled After Trump Terminates Funding</i> , The New York Times (March 18, 2025))	JA435
47	50-5	04/04/25	Exhibit 35 to the Declaration of Jonathan Rosenthal (Jason Mast, <i>Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research</i> , Stat News (March 11, 2025))	JA442

48	50-6	04/04/25	Exhibit 36 to the Declaration of Jonathan Rosenthal (Isabella Cueto, <i>ME/CFS research program shuts down at Columbia after Trump cuts</i> , 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, <i>The Trump Administration Cut Cancer and Alzheimer's Research Funding at Columbia University</i> , Notus (March 18, 2025))	JA477
51	50-9	04/04/25	Exhibit 39 to the Declaration of Jonathan Rosenthal (Thomas Bailey, <i>Update in Light of March 7 Federal Announcement</i> , 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, <i>After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts</i> , 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, <i>Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964</i> , Congressional Research Service (Sept. 17, 2024))	JA504
56	51-4	04/04/25	Exhibit 44 to the Declaration of Jonathan Rosenthal (Jared P. Cole, <i>Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of</i>	JA511

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

66	52-4	04/04/25	Exhibit 54 to the Declaration of Jonathan Rosenthal (<i>Combatting Antisemitism</i> , Columbia Office of the President)	JA620
67	52-5	04/04/25	Exhibit 55 to the Declaration of Jonathan Rosenthal (<i>University Statement Regarding UJB Determinations</i> , 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, <i>Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism</i> , 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, <i>U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment</i> , 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, <i>Columbia University Says One Thing to Trump Admin—and Another in Private</i> , The Free Press (March 25, 2025))	JA637
71	52-9	04/04/25	Exhibit 59 to the Declaration of Jonathan Rosenthal (<i>A Message from Dr. Katrina A. Armstrong</i> , Columbia University Office of Public Affairs (March 28, 2025))	JA642
72	52-10	04/04/25	Exhibit 60 to the Declaration of Jonathan Rosenthal (<i>Joint Task Force statement regarding Columbia University's steps to advance negotiations</i> , 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., <i>A Statement from</i>	JA648

			<i>Constitutional Law Scholars on Columbia</i> , 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, <i>Exclusive: NIH freezes all research grants to Columbia University</i> , Science (April 9, 2025))	JA680
82	99-2	05/08/25	Exhibit 63 to the Reply Declaration of Jonathan Rosenthal (Maddie Khaw, <i>All of Columbia's NIH Funding Is Apparently Frozen. Here's What That Looks Like for One Researcher</i> , 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., <i>Inside Trump's Pressure Campaign on Universities</i> , The New York Times (April 14, 2025))	JA696
85	99-5	05/08/25	Exhibit 66 to the Reply Declaration of Jonathan Rosenthal (<i>Sustaining Columbia's Vital Mission</i> , 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 (<i>Joint Task Force to Combat Anti-Semitism Statement Regarding Harvard University</i> , 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., <i>The Little-Known Bureaucrats Tearing Through American Universities</i> , 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, <i>Trump Has Targeted These Universities. Why?</i> , The New York Times (April 15, 2025))	JA732
90	99-10	05/08/25	Exhibit 71 to the Reply Declaration of Jonathan Rosenthal (<i>Miguel S. Urquiola</i> , 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., <i>Inside Columbia's Betrayal of its Middle Eastern Studies Department</i> , 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., <i>NIH said to have halted awarding of new grants to more top universities</i> , 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, <i>Trump Takes Personal Revenge on Harvard's Lawyer for Standing Up to Him</i> , 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 (<i>Preserving Columbia's Critical Research Capabilities</i> , 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., <i>An open letter to the Columbia administration</i> , 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., <i>Trump Administration Proposes Terms for Federal Oversight of Columbia University</i> , 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 (<i>NIH Grants Policy Statement</i> , 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, <i>Secretarial Directive on DEI-Related Funding</i> , 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., <i>Directive on NIH Priorities</i> , 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
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**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;
PAMELA BONDI, in her official capacity as the U.S.
Attorney General; LEO TERRELL, in his official
capacity as Senior Counsel to the Assistant Attorney
General for Civil Rights and head of the DOJ Task
Force to Combat Anti-Semitism; UNITED STATES
DEPARTMENT OF EDUCATION; LINDA
MCMAHON, in her official capacity as the U.S.
Secretary of Education; THOMAS E. WHEELER, in
his official capacity as Acting General Counsel of the
U.S. Department of Education; UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES; ROBERT F. KENNEDY, JR., in his
official capacity as the U.S. Secretary of Health and
Human Services; SEAN R. KEVENEY, in his official
capacity as Acting General Counsel of the U.S.
Department of Health and Human Services;
NATIONAL INSTITUTES OF HEALTH;
MATTHEW J. MEMOLI, in his official capacity as the
Acting Director of the National Institutes of Health;
UNITED STATES GENERAL SERVICES
ADMINISTRATION; STEPHEN EHIKIAN, in his
official capacity as Acting Administrator of the U.S.
General Services Administration; JOSH
GRUENBAUM, in his official capacity as
Commissioner of the Federal Acquisition Service,

Defendants.

Case No. _____

COMPLAINT

INTRODUCTION

1. “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and . . . is therefore a special concern of the First Amendment.” *Keyishian v. Bd. of Regents of Univ. of State of N. Y.*, 385 U.S. 589, 603 (1967). “To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation.” *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

2. This action challenges the Trump administration’s unlawful and unprecedented effort to overpower a university’s academic autonomy and control the thought, association, scholarship, and expression of its faculty and students. The Trump administration is coercing Columbia University to do its bidding and regulate speech and expression on campus by holding hostage billions of dollars in congressionally authorized federal funding—funding that is responsible for positioning the American university system as a global leader in scientific, medical, and technological research and is crucial to ensuring it remains so. The Trump administration claims it is enforcing Title VI of the Civil Rights Act, but neither Title VI nor any other law authorizes the Trump administration’s coercive tactics, which are in plain violation of statutory requirements.

3. This suit comes in the wake of a rapid escalation of punitive measures the Trump administration has imposed on Columbia University beginning earlier this month. Columbia is in the crosshairs because of the Trump administration’s disagreement with the perceived political views of students and faculty at the university. Over the course of ten days, and in direct contravention of the relevant law, the administration (1) announced it was commencing an investigation of Columbia for its asserted but unspecified failure to address antisemitism on campus, (2) summarily canceled approximately \$400 million in critical federal research funding without prior notice, explanation, or any form of due process, and (3) demanded that the University

adopt a list of sweeping programmatic and structural changes within one week as “a precondition” for the University’s “continued financial relationship with the United States government,” valued at approximately \$5 billion. Columbia—like all American universities—depends on federal funding to conduct its scientific research. Threats like these are an existential “gun to the head” for a university. *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 581 (2012).

4. Although Defendants purport to be enforcing Title VI, the anti-discrimination law covering institutions that receive federal funds, their disregard for the statute’s requirements belie that claim. Under Title VI, the government may terminate funding for a recipient only after complying with specific statutory and regulatory requirements: making an effort to obtain voluntary compliance and determining that voluntary compliance is impossible; giving notice to both the university and Congress; providing a hearing for the university; and waiting a specified amount of time. These restrictions exist precisely because Congress recognized that in a system where institutions depend on federal funds, letting federal agencies withhold funding cavalierly would give them dangerously broad power.

5. Defendants did not follow any of these required steps here. Instead, Defendants summarily terminated \$400 million in federal grants and contracts and is threatening to withhold billions more unless Columbia agrees to “play ball” by acceding to the Trump administration’s demands. Far from enforcing this civil rights statute, the Trump administration has instead weaponized Title VI, using the threat of massive and indiscriminate funding cuts as a cudgel to coerce universities into policing free speech and academic inquiry.

6. The Trump administration’s “precondition” letter to Columbia exemplifies the abuses Congress sought to guard against. In exchange for the possibility of a “continued financial relationship with the United States government,” Trump administration officials have demanded

an extraordinary federal intrusion into protected expression and academic freedom. Through this letter, federal officials purport to have the authority to dictate to a private university the circumstances under which students and faculty can wear facial coverings; to order that a politically disfavored academic department be placed into receivership; to mandate *ex ante* that students who participated in campus protests must receive expulsion or multi-year suspensions as punishment; and to impose a series of undefined reforms to admissions processes. Each of Defendants’ demands unconstitutionally inserts the federal government as managers of a private academic institution. And each demand is backed by threat of the loss of billions in federal research grants—a threat on which Defendants have already begun to make good.

7. Under the circumstances, it should come as little surprise that Columbia last week acceded to the Trump administration’s demands. That concession demonstrates the federal government’s immense financial leverage and underscores the threat to academic freedom where such leverage is exercised unlawfully. A remarkable component of that concession was Columbia’s agreement to “expand intellectual diversity” and alter its procedures for hiring faculty. By revoking \$400 million in grant funds and threatening to cancel more, the Trump administration has been able to accomplish through financial pressure what the First Amendment forbids it from doing directly: punish protesters based on their viewpoint, regulate the admissions process, and alter the ideological makeup of faculty. Just last year the Supreme Court unanimously held such coercion to be unconstitutional. *See Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 190 (2024).

8. Defendants have also made clear that they will continue to withhold funding as leverage to extract still further concessions from Columbia. In a March 24, 2025 press release addressing Columbia’s accession to their initial set of demands, Defendants stated that was only

the “first step in the university maintaining a financial relationship with the United States government.”

9. The Trump administration’s unlawful actions have already caused severe and irreparable damage by halting academic research and inquiry, including in areas that have no relation whatsoever to the charges of antisemitism. The funding cancellation has hobbled crucial public health efforts including research to prevent Alzheimer’s Disease, to ensure fetal health in pregnant women, and to cure cancer. And the damage seeps deeper. Plaintiffs American Association of University Professors (AAUP), American Federation of Teachers (AFT), and their members can attest to the pervasive climate of fear and self-censorship that has arisen in the wake of the government’s sweeping funding cuts and threats to impose even more. This chilling effect extends beyond Columbia to faculty at other institutions of higher education—60 of which have already been identified by the Trump administration as the next targets. Self-censorship is not an unintended side-effect of canceled funding; it is by design.

10. Defendant Leo Terrell, the head of a Trump administration task force established to investigate institutes of higher education, has made clear this is just the beginning: “We’re going to bankrupt these universities. We’re going to take away every single federal dollar. ... If these universities do not play ball, lawyer up, because the federal government is coming after you.”

11. Columbia has a fundamental obligation to protect all its students from harassment and discrimination, with special attention to historically marginalized groups including Jewish students. It must balance that obligation with another central to its mission: Columbia must create an environment that encourages free speech, dialogue, and the exchange of opposing views. Defendants’ actions are not calculated to help Columbia strike that careful balance. Instead, they aim to grant the federal government control over the content of campus speech and to punish the

entire Columbia community because some of its members have expressed views the Trump administration disfavors.

12. Robust debate and academic freedom are central to America's exceptional success as both a democracy and a generator of useful ideas. Tolerating the Trump administration's actions here risks transforming institutions of higher learning, private or public, into servile arms of the government, advancing only the political preferences of the latest president in order to secure federal funding. That is a dangerous proposition and one that Congress anticipated by limiting any administration's ability to cancel funding for noncompliance with Title VI. Absent relief, Defendants' actions will continue to damage AAUP, AFT, and their members and infringe on their free speech and academic freedom rights guaranteed by the Constitution.

PARTIES

A. Plaintiffs

13. Plaintiff **American Association of University Professors ("AAUP")** is a 501(c)(6) membership association and labor union of faculty and academic professionals throughout the country. AAUP is headquartered in Washington, D.C. Founded in 1915, the AAUP remains the nation's leading organization primarily dedicated to protecting academic freedom and shared governance in higher education. The AAUP has about 44,000 members on college and university campuses across the country, including a large number of faculty members who rely on federal grants to support their work across a range of academic disciplines. The Columbia University Chapter of AAUP was founded in December 2021 and is open to all current and retired Columbia faculty members and graduate students who are national members of the AAUP. As of January 2025, the Columbia University Chapter of AAUP has members in 14 different schools and 27 different departments within Columbia's main Arts and Sciences faculty.

14. AAUP’s mission is to advance academic freedom and shared governance of higher education institutions; to define fundamental professional values and standards for higher education; to promote the economic security of faculty, academic professionals, graduate students, postdoctoral fellows, and all those engaged in teaching and research in higher education; to help the higher education community organize to make its goals a reality; and to ensure higher education’s contribution to the common good. The AAUP has helped to shape American higher education by developing the standards and procedures that maintain quality in education and academic freedom in this country’s colleges and universities.

15. Plaintiff **American Federation of Teachers (“AFT”)** is a national labor organization headquartered in Washington, D.C. and representing over 1.8 million members, including more than 400,000 members who are employed as higher education faculty and professional staff, primarily in research and teaching positions; federal, state, and local government employees; pre-K through 12th-grade teachers, early childhood educators, paraprofessionals, and other school-related personnel; as well as nurses and other healthcare professionals. AFT has many members who receive funding, training, classroom resources, and other opportunities made possible by federal grants and contracts. AAUP is an affiliate of AFT. As a result, all current AAUP members are also AFT members. AFT’s mission is to champion fairness, democracy, economic opportunity and high-quality public education, healthcare and public services for students, families, and communities.

B. Defendants

16. Defendant the **U.S. Department of Justice (“DOJ”)** is a federal agency headquartered in Washington, D.C. The DOJ is an agency within the meaning of the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 551(1), 701(b)(1).

17. Defendant **Pamela Bondi** is sued in her official capacity as the U.S. Attorney General.

18. Defendant **Leo Terrell** is sued in his official capacity as Senior Counsel to the Assistant Attorney General for Civil Rights and head of the DOJ Task Force to Combat Anti-Semitism.

19. Defendant the **U.S. Department of Health and Human Services (“HHS”)** is a federal agency headquartered in Washington, D.C. HHS is an agency within the meaning of the APA.

20. Defendant **Robert F. Kennedy, Jr.** is sued in his official capacity as the U.S. Secretary of Health and Human Services.

21. Defendant **Sean R. Keveney** is sued in his official capacity as the Acting General Counsel of HHS.

22. Defendant the **National Institutes of Health (“NIH”)** is a federal agency within HHS and is headquartered in Bethesda, Maryland. NIH is an agency within the meaning of the APA.

23. Defendant **Matthew J. Memoli** is sued in his official capacity as the Acting Director of the NIH.

24. Defendant the **U.S. Department of Education (“ED”)** is a federal agency headquartered in Washington, D.C. ED is an agency within the meaning of the APA.

25. Defendant **Linda McMahon** is sued in her official capacity as the U.S. Secretary of Education.

26. Defendant **Thomas E. Wheeler** is sued in his official capacity as Acting General Counsel of the ED.

27. Defendant **Craig Trainor** is sued in his official capacity as Acting Assistant Secretary for the Office for Civil Rights, U.S. Department of Education.

28. Defendant the **U.S. General Services Administration (“GSA”)** is a federal agency headquartered in Washington, D.C. GSA is an agency within the meaning of the APA.

29. Defendant **Stephen Ehikian** is sued in his official capacity as Acting Administrator of the GSA.

30. Defendant **Josh Gruenbaum** is sued in his official capacity as Commissioner of the Federal Acquisition Service within the GSA.

JURISDICTION & VENUE

31. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as this case arises under the Constitution and laws of the United States.

32. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) and (e)(1), including because a substantial part of the events or omissions giving rise to the claim occurred in this district.

STATEMENT OF FACTS

I. Defendants’ Campaign to Undermine Academic Freedom

33. In a democracy, institutions of higher education exist not only as places for research, teaching and learning, but as core civic spaces in which ideas—about science, literature, politics, and society—are formed, tested, and debated.

34. By contrast, autocratic governments consider independent inquiry and thought to be a threat. Authoritarian governments in Hungary,¹ Turkey,² and Brazil³ have each attempted to place universities under the control of the central government.

35. President Trump’s 2024 campaign website included numerous statements describing his intention to curtail academic freedom and alter the viewpoints expressed on campuses.

36. That website included President Trump’s plan “to reclaim our once great educational institutions from the radical Left and Marxist maniacs.”⁴

37. It singled out private universities, stating “we will take the billions and billions of dollars that we will collect by taxing, fining, and suing excessively large private university endowments, and we will then use that money to endow a new institution called the American Academy.”⁵

38. The Trump Administration is particularly focused on suppressing views that challenge (1) its preferred narrative with respect to the Israeli-Palestinian conflict, and (2) its preferred narratives with respect to race and gender—what it refers to as “diversity, equity, and inclusion,” or “DEI,” or sometimes “wokeness.”

¹ Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020), <https://www.hrw.org/news/2020/09/03/hungary-continues-attacks-academic-freedom>, <https://perma.cc/Q96R-2S52>.

² Muzaffer Kaya, *Turkey’s Purge of Critical Academia*, Middle East Research and Information Project (2018), <https://merip.org/2018/12/turkeys-purge-of-critical-academia/>, <https://perma.cc/C4CJ-CBT8>.

³ Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*, International Research Group on Authoritarianism and Counter-Strategies (July 21, 2021), <https://irgac.org/articles/the-crisis-of-brazilian-universities-higher-education-under-bolsonaro/>, <https://perma.cc/4H5U-RMPM>.

⁴ *Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DonaldJTrump.com (July 17, 2023), <https://www.donaldjtrump.com/agenda47/agenda47-protecting-students-from-the-radical-left-and-marxist-maniacs-infecting-educational-institutions>, <https://perma.cc/7HZN-5MW8>.

⁵ *Agenda47: The American Academy*, DonaldJTrump.com (Nov. 1, 2023), <https://www.donaldjtrump.com/agenda47/agenda47-the-american-academy>, <https://perma.cc/B66V-ZXMT>.

39. President Trump’s campaign website highlighted that such viewpoints would be prohibited at the American Academy, stating that “there will be no wokeness or jihadism allowed—none of that’s going to be allowed.”⁶

40. Vice President JD Vance has stated that “[t]he professors are the enemy”⁷ and that “the universities are the enemy.”⁸ He has praised Hungarian President Victor Orbán’s aggressive strategy to make Hungarian universities better reflect Orbán’s own ideology.⁹

41. These sentiments have recently been repeated by Defendant Leo Terrell, the head of the DOJ “Task Force to Combat Anti-Semitism” (“DOJ Task Force”). Defendant Terrell stated on Fox News on or about March 9, 2025: “The academic system in this country has been hijacked by the left, has been hijacked by the marxists. They have controlled the mindset of our young people . . . and we have to put an end to it.”¹⁰

42. In a March 19, 2025 interview, Defendant Terrell was asked if it was his “intention” to “get a consent decree where Columbia gets a new law school dean, they get a new president, a new board, a new department of history, a new set of reasonable time, place, and manner regulations for a [sic] speech on campus that ban masks.” Terrell answered, “Yes, yes, and yes.”¹¹

⁶ *Id.*

⁷ Henry Reichman, “‘The Professors Are the Enemy’”, *The Chronicle of Higher Education* (Dec. 14, 2021), <https://www.chronicle.com/article/the-professors-are-the-enemy>.

⁸ National Conservatism, J.D. Vance I The Universities are the Enemy I National Conservatism Conference II, YouTube (Nov. 10, 2021), <https://www.youtube.com/watch?v=0FR65Cifnhw>, <https://perma.cc/WQF6-QU6V>.

⁹ Rob 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), <https://europeanconservative.com/articles/dreher/i-would-like-to-see-european-elites-actually-listen-to-their-people-for-a-change-an-interview-with-j-d-vance/>, <https://perma.cc/5WJK-KC8P>.

¹⁰ Mark McMillan, *Leo Terrell with Mark Levin- How we’ll defeat antisemitism in the USA* (Mar. 9, 2025) <https://www.youtube.com/watch?v=NOFIKRr2Sco>, <https://perma.cc/5V4R-M692>.

¹¹ *On Crushing Anti-Semitism on Campus*, Hughniverse Podcast (Mar. 19, 2025), <https://hughhewitt.com/leo-terrell-senior-counsel-to-the-attorney-general-for-civil-rights-on-crushing-anti-semitism-on-campus>, <https://perma.cc/6YHF-VZKG>.

43. Trump Administration officials have taken repeated action aimed at bringing universities under governmental control.

44. For example, on February 17, 2025, Acting United States Attorney for the District of Columbia Edward Martin sent a letter to Georgetown University Law School stating that it was “unacceptable” for the private Jesuit university to “teach and promote” diversity, equity, and inclusion, and seeking to pressure the institution to remove such content from its “curriculum,” “courses,” and “teaching.”¹²

45. The purported Title VI enforcement actions against Columbia and threats against at least 60 other colleges and universities (*see infra* ¶¶ 53–91, 274–285) represent a profoundly dangerous escalation of these efforts.

II. Federally Funded Research and Scholarship at Columbia

46. Columbia University is a research university, including 17 schools where research takes place, as well as four additional affiliated schools. These institutions include a medical school, a dental school, a nursing school, a public health school, an engineering school, and Teachers College, as well as the Faculty of Arts and Sciences, which houses Columbia College and several graduate schools.

47. Research and scholarship at Columbia explore a wide range of topics in health, science, social science, and the humanities, among others. Columbia researchers have recently worked on identifying comatose patients who have hidden consciousness and may recover;¹³

¹² Letter from Edward R. Martin, United States Attorney for the District of Columbia, to William M. Treanor, Dean , Georgetown Law Center, (Feb. 17, 2025), <https://www.ncronline.org/files/2025-03/3.7.24%20Ed%20Martin%20letter%20%20to%20Georgetown%20law.pdf>, <https://perma.cc/JBE9-UJZK>.

¹³ *Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness*, Columbia University Irving Medical Center (Mar. 3, 2025), <https://news.columbia.edu/news/sleep-patterns-may-reveal-comatose-patients-hidden-consciousness>.

exploring how stomach cancers grow;¹⁴ and using machine learning to identify patients who unknowingly suffer from underdiagnosed liver disease.¹⁵

48. More than 1,800 physicians, surgeons, dentists, and nurses affiliated with Columbia also provide patient care.

49. Forty percent of Columbia's budget goes to patient care and research, with nearly the same share spent on instruction.¹⁶

50. Columbia is one of the ten largest non-government employers in New York State.¹⁷ Columbia employs 16,600 full-time workers in addition to its 4,000 faculty members.¹⁸ Two-thirds of the jobs at Columbia are middle-income, non-faculty jobs.¹⁹

51. Federal funding supports a large part of not only Columbia University's research, but of all university research across the country since the 1950s, with decisions about what research is conducted made by the scientific community itself. Universities have built graduate programs and research labs to meet this national research mission, which has led directly to innumerable scientific and technological advances over the last seventy years.²⁰

¹⁴ *Nerves Electrify Stomach Cancer, Sparking Growth and Spread*, Columbia University Irving Medical Center (Feb. 19, 2025), <https://www.cuimc.columbia.edu/news/nerves-electrify-stomach-cancer-sparking-growth-and-spread>, <https://perma.cc/AE3J-R87L>.

¹⁵ *Training Your Electronic Record to Think Like a Liver Doctor*, Columbia University Irving Medical Center (Feb. 20, 2025), <https://www.cuimc.columbia.edu/news/training-your-electronic-health-record-think-liver-doctor>, <https://perma.cc/B5LC-BU5H>.

¹⁶ *Financial Overview*, Columbia University, <https://www.columbia.edu/content/financial-overview> (last visited March 23, 2025).

¹⁷ *Economic Engine for New York*, Columbia University, <https://economicimpact.columbia.edu/> (last visited Mar. 23, 2025).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Ian Bogost, *A New Kind of Crisis for American Universities*, *The Atlantic* (Feb. 10, 2025), https://www.theatlantic.com/health/archive/2025/02/nih-trump-university-crisis/681634/?utm_campaign=atlantic-daily-newsletter&utm_content=20250320&utm_source=newsletter&utm_medium=email&utm_term=The+Atlantic+Daily, <https://perma.cc/4PD3-8SY4>.

52. In 2024, government grants made up about 20 percent of Columbia’s operating revenue.²¹

III. Defendants’ Summary Termination of \$400 Million in Federal Funds and Threat to Withhold All Future Federal Funding from Columbia

53. The most recent chapter in the Israeli-Palestinian conflict has inflamed pre-existing tensions on the issue, sparking widespread campus protest both domestically and internationally.²² Within the United States, institutions of higher education have struggled to balance the need to protect free speech and free expression with the need to protect Jewish, Muslim, Israeli, and Palestinian students on campus from illegal harassment and discrimination.

54. Columbia, where protests have been robust, is no exception. Columbia has a long history of student protest, a tradition which many community members value.

55. At the same time, as described in more detail below, Columbia reports taking a range of actions to respond to complaints of antisemitic harassment and discrimination on campus.

56. On January 29, 2025, President Trump signed an executive order titled “Additional Measures to Combat Anti-Semitism.”²³

57. The executive order required the heads of all executive agencies or departments to submit reports identifying all civil and criminal authorities or actions within their jurisdictions “that might be used to curb or combat anti-Semitism, and containing an inventory and analysis of all pending administrative complaints, as of the date of the report, against or involving institutions

²¹ Financial Overview, Columbia University, <https://www.columbia.edu/content/financial-overview> (last visited March 23, 2025).

²² Willem Marx, *Campus Protests over the war in Gaza have gone international*, Nat’l Public Radio (May 3, 2024), <https://www.npr.org/2024/05/03/1248661834/student-protests-gaza-universities-international>, <https://perma.cc/WES8-P4Z5>. ²² Willem Marx, *Campus Protests over the war in Gaza have gone international*, Nat’l Public Radio (May 3, 2024), <https://www.npr.org/2024/05/03/1248661834/student-protests-gaza-universities-international>, <https://perma.cc/WES8-P4Z5>.

²³ Exec. Order No. 14188, 90 Fed. Reg. 8847 (Feb. 3, 2025).

of higher education alleging civil rights violations related to or arising from post-October 7, 2023, campus anti-Semitism.”²⁴

58. The executive order made no mention of the First Amendment or the need to balance protection of free speech with the imperative to eradicate illegal discrimination and harassment.

59. On February 3, 2025, Defendant DOJ announced the creation of the multi-agency DOJ Task Force, led by Defendant Terrell, to carry out the mandate of the executive order.²⁵ The DOJ Task Force includes representatives from Defendant DOJ, Defendant ED, and Defendant HHS.

60. Later that day, Defendant ED announced new Title VI investigations into Columbia and four other private and state universities (Northwestern University, Portland State University, the University of California at Berkeley, and the University of Minnesota, Twin Cities) where ED stated that “widespread antisemitic harassment has been reported.”²⁶

61. The announcement did not point to any specific allegations of antisemitic harassment, nor did it ask or advise Columbia to take any particular steps to deter or remedy such harassment.

²⁴ *Id.*

²⁵ Office of Public Affairs, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. Dept. of Justice (Feb. 3, 2025), <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>, <https://perma.cc/KCF4-LB52>.

²⁶ *U.S. Department of Education Probes Cases of Antisemitism at Five Universities*, U.S. Department of Education (Feb. 3, 2025) <https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>, <https://perma.cc/M547-JNKP>.

62. Columbia responded that same day, stating that “Columbia strongly condemns antisemitism and all forms of discrimination, and we are resolute that calling for, promoting, or glorifying violence or terror has no place at our University.”²⁷

63. Columbia’s response detailed numerous actions that the university had taken since August to address antisemitism, including “strengthening and clarifying our disciplinary processes,” establishing “a centralized Office of Institutional Equity to address all reports of discrimination and harassment, appoint[ing] a new Rules Administrator, and strengthen[ing] the capabilities of our Public Safety Office.”²⁸ The response concluded by expressing openness to “ongoing work with the new federal administration to combat antisemitism and ensure the safety and wellbeing of our students, faculty, and staff.”²⁹

64. Four weeks later, on March 3, 2025, Defendants HHS, ED, and GSA announced a “comprehensive review of Columbia’s federal contracts and grants in light of ongoing investigations for potential violations of Title VI of the Civil Rights Act.”³⁰

65. The announcement referred to “Columbia’s ongoing inaction in the face of relentless harassment of Jewish students,” and declared that, as a result, “Stop Work Orders for \$51.4 million in contracts between Columbia University and the Federal Government” were being considered. It further stated that the task force would “conduct a comprehensive review of the more than \$5 billion in federal grant commitments to Columbia University to ensure the university is in compliance with federal regulations, including its civil rights responsibilities.”³¹

²⁷ *Statement on Notice From U.S. Department of Education Office of Civil Rights*, Columbia University Office of Public Affairs (Feb. 3, 2025), <https://communications.news.columbia.edu/news/statement-notice-us-department-education-office-civil-rights>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses*, U.S. General Services Administration (March 3, 2025), <https://www.gsa.gov/about-us/newsroom/news-releases/hhs-ed-and-gsa-announce-additional-measures-to-end-antisemitic-harassment-03032025>, <https://perma.cc/7QHZ-E4KU>.

³¹ *Id.*

66. The announcement did not point to any specific allegations of antisemitic harassment, nor did it ask or advise Columbia to take any particular steps to deter or remedy such harassment.

67. The announcement made no mention of the First Amendment or the need to balance protection of free speech with the imperative to eradicate illegal discrimination and harassment, nor did it identify any legal authority for taking the threatened actions against Columbia.

68. The following day, on March 4, 2025, President Trump posted on Truth Social, “All Federal Funding will STOP for any College, School, or University that allows illegal protests. Agitators will be imprisoned/or permanently sent back to the country from which they came. American students will be permanently expelled or, depending on the crime, arrested. NO MASKS! Thank you for your attention to this matter.”³²

69. Under First Amendment doctrine, the category “illegal protests” is carefully circumscribed. Nevertheless, the post did not say how federal officials would identify “illegal protests” or “agitators” for purposes of implementing the President’s stated policy, nor did it otherwise provide guidance to faculty, students, or administrators seeking to exercise (or allow others to exercise) First Amendment rights while avoiding the risk of imprisonment, deportation, expulsion, arrest, or loss of “[a]ll” federal funding.

70. Just three days later, on March 7, 2025, Defendants DOJ, HHS, ED, and GSA announced the “immediate cancellation of approximately \$400 million in federal grants and

³² Donald Trump (@realDonaldTrump), Truth Social (Mar. 4, 2025, 7:30AM), <https://truthsocial.com/@realDonaldTrump/posts/114104167452161158>.

contracts to Columbia University due to the school's continued inaction in the face of persistent harassment of Jewish students" (the "March 7 Funding Withdrawal").³³

71. No reasoning was provided for the particular sanction of immediately canceling \$400 million in federal funding throughout various university programs, but it has been reported that \$400 million is the same amount that now-President Trump tried to demand from Columbia in real estate negotiations back in 2000, then as a private real estate developer.³⁴

72. The March 7 announcement stated that these cuts "represent the first round of action and additional cancellations are expected to follow."³⁵

73. The March 7 announcement further stated without explanation or reference to any specific incidents that "[c]haos and anti-Semitic harassment have continued on and near campus" since the March 3 Title VI investigation announcement and claimed that Columbia had not responded to the DOJ Task Force regarding the investigation in the four days since the investigation had been announced.³⁶

74. On information and belief, Defendants also sent Columbia a letter on March 7 informing it of the \$400 million in immediately withdrawn funding.

³³ DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth \$400 million, U.S. General Services Administration (Mar. 7, 2025), <https://www.gsa.gov/about-us/newsroom/news-releases/doj-hhs-ed-and-gsa-announce-initial-cancellation-of-grants-and-contracts-03072025>, <https://perma.cc/6GA5-JSB5>.

³⁴ Matthew Haag and Katherine Rosman, *Decades Ago, Columbia Refused to Pay Trump \$400 Million*, New York Times (Mar. 21, 2025), <https://www.nytimes.com/2025/03/21/nyregion/trump-columbia-university-400-million.html>.

³⁵ DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth \$400 million, U.S. General Services Administration (Mar. 7, 2025), <https://www.gsa.gov/about-us/newsroom/news-releases/doj-hhs-ed-and-gsa-announce-initial-cancellation-of-grants-and-contracts-03072025>, <https://perma.cc/2VS2-ZA4T>.

³⁶ *Id.*

75. Later on March 7, 2025, Columbia’s interim president Katrina Armstrong issued a response stating that Columbia remains “committed to working with the federal government to address their legitimate concerns” and combatting anti-Semitism.³⁷

76. Less than a week later, on March 13, 2025, Defendants HHS, ED, and GSA sent another letter to Columbia (the “March 13 Letter”) stating that Columbia should “consider this a formal response to the current situation on the campus of Columbia University and a follow up to our letter of March 7, 2025, informing you that the United States Government would be pausing or terminating federal funding.”³⁸ The letter was signed by Defendants Josh Gruenbaum, Sean Keveney, and Thomas E. Wheeler. The letter stated, without reference to any specific facts or events, 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. Pursuant to your request, this letter outlines immediate next steps that we regard as a precondition for formal negotiations regarding Columbia University’s continued financial relationship with the United States government.”³⁹

77. The March 13, 2025 Letter provided no further definition of the “current situation on the campus of Columbia University,” did not explain its reference to Columbia’s “other alleged violations of Title VI and Title VII,” and invoked no statutory or regulatory authority other than Title VI and Title VII.⁴⁰

³⁷ Katrina Armstrong, Responding to Federal Action, Columbia, Office of the President, (Mar. 7, 2025), <https://president.columbia.edu/news/responding-federal-action>.

³⁸ Josh Gruenbaum, Sean Keveney, Thomas Wheeler, *March 13, 2025 Formal Response Letter*, (Mar. 13, 2025) <https://static01.nyt.com/newsgraphics/documenttools/6d3c124d8e20212d/85dec154-full.pdf>, <https://perma.cc/6ZZE-HRFF>.

³⁹ *Id.*

⁴⁰ *Id.*

78. The March 13, 2025 Letter then listed nine demands for Columbia to meet by the close of business on “Wednesday, March 20, 2025” (March 20, 2025 was a Thursday), that is, within a week:⁴¹

- “Enforce existing disciplinary policies. The University must complete disciplinary proceedings for Hamilton Hall and encampments. Meaningful discipline means expulsion or multi-year suspension.”
- “Primacy of the president in disciplinary matters. Abolish the University Judicial Board (UJB) and centralize all disciplinary processes under the Office of the President. And empower the Office of the President to suspend or expel students with an appeal process through the Office of the President.”
- “Time, place, and manner rules. Implement permanent, comprehensive time, place, and manner rules to prevent disruption of teaching, research, and campus life.”
- “Mask ban. Ban masks that are intended to conceal identity or intimidate others, with exceptions for religious and health reasons. Any masked individual must wear their Columbia ID on the outside of their clothing (this is already the policy at Columbia’s Irving Medical Center).”
- “Deliver plan to hold all student groups accountable. Recognized student groups and individuals operating as constituent members of, or providing support for, unrecognized groups engaged in violations of University policy must be held accountable through formal investigations, disciplinary proceedings, and expulsion as appropriate.”

⁴¹ *Id.*

- “Formalize, adopt, and promulgate a definition of antisemitism. President Trump’s Executive Order 13899 uses the IHRA definition. Anti-‘Zionist’ discrimination against Jews in areas unrelated to Israel or Middle East must be addressed.”
- “Empower internal law enforcement. The University must ensure that Columbia security has full law enforcement authority, including arrest and removal of agitators who foster an unsafe or hostile work or study environment, or otherwise interfere with classroom instruction or the functioning of the university.”
- “MESAAS Department – Academic Receivership. Begin the process of placing the Middle East, South Asian, and African Studies department under academic receivership for a minimum of five years. The University must provide a full plan, with date certain deliverables, by the March 20, 2025, deadline.”
- “Deliver a plan for comprehensive admissions reform. The plan must include a strategy to reform undergraduate admissions, international recruiting, and graduate admissions practices to conform with federal law and policy.”⁴²

79. The March 13, 2025 Letter did not provide any constitutional, statutory, or regulatory authority for the government’s imposition of these conditions on a private university. Nor did the Letter explain whether or how implementation of the federal government’s preferred admissions policy, placing a department in academic receivership, or any of the other demanded actions would deter or remedy antisemitic harassment or any “other alleged violations” of Title VI or Title VII. Nor did it address whether there were less intrusive means of ensuring compliance with those laws.

⁴² The March 13, 2025 Letter did not say what federal “policy” requires over and above federal law, nor did it allege any specific violations of federal law.

80. The March 13 Letter made no mention of the First Amendment or the need to balance protection of free speech with the imperative to eradicate illegal discrimination and harassment.

81. On March 21, 2025, Columbia shared updated policies appearing to give in to nearly all of Defendants' demands.⁴³

82. For example, Defendants demanded that Columbia abolish the UJB and centralize proceedings in the Office of the President. Columbia stated that it would relocate the UJB within the Office of the Provost (who reports to the President), restrict participation to faculty and administrators, institute "rigorous vetting and conflict review process to ensure objectivity, impartiality, and commitment to following and enforcing our community's rules and policies," and give the Provost final approval over all panel members and appellate Deans.

83. Defendants demanded that Columbia "empower internal law enforcement," including ensuring officers have full authority to arrest and remove "agitators who foster an unsafe or hostile work or study environment, or otherwise interfere with classroom instruction or the functioning of the university." Columbia announced that it has hired 36 "special officers"—it is unclear whether this is in addition to the 117 public safety officers the University had already hired in the past 16 months—who will "have the ability to remove individuals from campus and/or arrest."

84. Defendants demanded that Columbia place the MESAAS Department in an "academic receivership" for a "minimum of five years." It is very rare for a university to decide to place an academic department under receivership, and a demand by the federal government that a

⁴³ *Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia*, Columbia Office of the President (Mar. 21, 2025), <https://president.columbia.edu/sites/default/files/content/03.21.2025%20Columbia%20-%20FINAL.pdf>, <https://perma.cc/3FFS-4NR4>.

university place an academic department in receivership is entirely unprecedented. Nevertheless, in response to Defendants' demands, Columbia announced the appointment of a new Senior Vice Provost who will "conduct a thorough review of the portfolio of programs in regional areas across the University, starting immediately with the Middle East. This review will include the Center for Palestine Studies; the Institute for Israel and Jewish Studies; Middle Eastern, South Asian, and African Studies; the Middle East Institute; the Tel Aviv and Amman global hubs; the School of International and Public Affairs Middle East Policy major; and other University programs focused on the Middle East (together, the 'Middle East Programs')." The new Senior Vice Provost will take steps including "ensur[ing] the educational offerings are comprehensive and balanced," reviewing "leadership and curriculum," creating a new process for hiring faculty in these programs, reviewing the process for "approving curricular changes," and making recommendations about "necessary changes" and "academic restructuring" to "ensure academic excellence and complementarity" in Columbia's Middle East programs.

85. In a move that makes the First Amendment stakes here especially stark, the March 21 response also made explicit that Columbia will engineer the ideological balance of speech on campus in response to the federal government's demands. Columbia stated that it will expand "intellectual diversity among faculty." It explained, "Faculty searches have begun and will be expanded to ensure intellectual diversity across our course offerings and scholarship."

86. On March 24, 2025, Defendants HHS, ED, and GSA issued a press release "welcom[ing] the statement by Columbia University outlining actions the university is taking in response to the Joint Task Force to Combat Anti-Semitism's March 13th letter detailing 9

preconditions for formal negotiations to restore canceled federal grants and contracts.”⁴⁴ The March 24 letter celebrates “[t]he decisive steps the Task Force has taken with Columbia” that “have yielded positive results.”

87. The March 24 press release does not state that Columbia’s federal funding will be restored, however. To the contrary, the letter states that “Columbia’s compliance with the Task Force’s preconditions is only the first step in rehabilitating its relationship with the government, and more importantly, its students and faculty.”⁴⁵

88. Defendants’ March 24 press release makes clear that Columbia’s accession to the demands in the March 13 Letter is only the “first step in the university maintaining a financial relationship with the United States government.”⁴⁶

89. Defendants’ March 24 press release does not specify what additional “steps” will be required, but the letter makes clear that Defendants expect Columbia to continue to comply with whatever demands Defendants impose as “preconditions” of restoring the \$400 million and of granting or continuing additional federal financial assistance.

90. The press release states that “Columbia’s early steps are a positive sign, but they must continue to show that they are serious in their resolve to end anti-Semitism and protect all students and faculty on their campus through permanent and structural reform.”⁴⁷

91. As of the time of filing of this Complaint, Defendants have not reinstated or restored the \$400 million in terminated federal funding. Nor have they withdrawn their threats to take additional coercive action and/or terminate or withhold additional funding to Columbia.

⁴⁴ U.S. Department of Health and Human Services, *HHS, ED, and GSA Respond to Columbia University’s Actions to Comply with Joint Task Force Pre-Conditions*, (Mar. 24, 2025), <https://www.hhs.gov/about/news/columbia-comply-anti-semitism-task-force-preconditions-met.html>

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

IV. Impacted Funding

92. There is no full public accounting of the \$400 million in withdrawn funding, but \$250 million of that funding consists of grants from Defendant NIH.

93. On March 10, 2025, NIH posted on the internet platform X that it “is terminating more than \$250 million in funding—including more than 400 grants—to Columbia University following directives from the Trump Administration’s Joint Task Force to Combat Anti-Semitism.”⁴⁸

94. On or about March 10, 2025, Defendant NIH sent Columbia a list of grants being terminated.⁴⁹

95. HHS, the parent agency of NIH, has released a list of grants terminated.⁵⁰ It lists 161 grants to Columbia University that were terminated between March 10 and March 14, 2025. Terminated grants on that HHS list include “Alzheimer’s Disease Genetic Risk and Microglial Innate Immune Memory,” “Prenatal exposure to phthalates and associations with gestational weight gain and fetal growth trajectories,” “Training in Pediatric Infectious Diseases,” and “Cancer Center Support Grant.”⁵¹

96. NIH terminated 232 grants for scientific research at Columbia University Irving Medical Center, which includes the medical school, dental school, and school of public health. The withdrawn grants make up about a quarter of the center’s research portfolio.⁵²

⁴⁸ National Institutes of Health, @NIH, Twitter (Mar, 10, 2025)

<https://x.com/nih/status/1899196680270238173?s=42>, <https://perma.cc/USJ7-74AS>.

⁴⁹ Caroline Lewis, *Hundreds of research grants at Columbia canceled following Trump edict, administrator says*, Gothamist (Mar. 11, 2025), <https://gothamist.com/news/hundreds-of-research-grants-at-columbia-canceled-following-trump-edict-administrator-says>, <https://perma.cc/H7E3-TVKY>.

⁵⁰ https://taggs.hhs.gov/Content/Data/HHS_Grants_Terminated.pdf, <https://perma.cc/CZJ6-LDP9>

⁵¹ *Id.*

⁵² Lewis, *supra* n. 49.

97. With respect to the medical school in particular, NIH terminated nearly 30 percent of grants, including training grants and fellowships. Specifically, as the head of the psychiatry department shared, “All of our training grants and many fellowships have been terminated.”⁵³

98. Training grants are particularly crucial for training and developing the careers of the country’s next generation of leading physicians and scientists.

99. Sources inside NIH shared with *Nature* that “the lists of cancelled grants come from the agency’s Office of Extramural Research, which is in turn receiving them from the NIH’s parent agency, the US Department of Health and Human Services, in coordination with the US Department of Government Efficiency (DOGE).”⁵⁴

100. According to public reporting cited below, a wide variety of health researchers have seen their funding canceled. The following are just some examples:

101. The head of the pediatrics department at Columbia’s Medical School reportedly lost funding for a project that involved the search for a nasal spray that would block the entry of viruses and reduce infections.⁵⁵

102. A professor who leads research in the obstetrics department on high-risk pregnancies reportedly lost a \$16.6 million grant that she had used to build a maternal health center. Its goal was to lower America’s maternal mortality rate.⁵⁶

⁵³ Ryan Quinn, *Trump’s Columbia Cuts Start Hitting Postdocs, Professors*, Inside Higher Ed. (Mar. 13, 2025) <https://www.insidehighered.com/news/faculty-issues/research/2025/03/13/trumps-columbia-cuts-start-hitting-postdocs-professors>; Humberto Basilio, ‘My career is over’: *Columbia University scientists hit hard by Trump team’s cuts*, *Nature* (Mar. 14, 2025), <https://www.nature.com/articles/d41586-025-00812-x>.

⁵⁴ Humberto Basilio, ‘My career is over’: *Columbia University scientists hit hard by Trump team’s cuts*, *Nature* (Mar. 14, 2025), <https://www.nature.com/articles/d41586-025-00812-x>, <https://perma.cc/4CPK-PHDZ>.

⁵⁵ Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*, *New York Times*, (Mar. 18, 2025), <https://www.nytimes.com/2025/03/18/nyregion/columbia-research-grants-trump.html>.

⁵⁶ Jason Mast, *Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research*, *STAT News*, (Mar. 11, 2025) <https://www.statnews.com/2025/03/11/columbia-scientists-reel-grant-cancellations-hit-broad-suite-research/>, <https://perma.cc/RQM9-849C>.

103. A lab leader at the School of Public Health reportedly received a stop work order for her grant aimed at reducing maternal mortality. The grant supported twenty people.⁵⁷

104. According to *Nature*, a PhD student who studies fibroids in the uterus had her fellowship terminated. Her terminated grant was an F31 fellowship from NIH.⁵⁸

105. A postdoctoral researcher had a grant canceled concerning risk factors that predispose children to develop eating disorders, depression, and suicidal thoughts and behaviors, according to *Inside Higher Ed*. His terminated grant was a T32 training grant from NIH. As he told *Inside Higher Ed*, “‘as a Jew,’ it’s ‘particularly outrageous’ to hear the Trump administration justifying the cuts by saying it’s fighting antisemitism . . . ‘I certainly don’t feel protected,’ he said.”⁵⁹

106. A neurologist and professor at Columbia’s medical school had two grants terminated this month, according to the *New York Times*. His research focuses on health disparities and how to narrow them. One grant addressed stroke recovery and the other concerned screens for colorectal cancer, which is rising among younger adults.⁶⁰

107. A spokesman for Columbia University Medical Center stated that other canceled studies include one on treatments for chronic illnesses, including long COVID, and one on reducing maternal mortality in New York.⁶¹

108. Many of the Columbia grant cancelations are being felt at universities across the United States and around the world. Large-scale studies are often collaborative efforts involving

⁵⁷ Basilio, *supra* n.54.

⁵⁸ *Id.*

⁵⁹ Ryan Quinn, *Trump’s Columbia Cuts Start Hitting Postdocs, Professors*, *Inside Higher Ed.*, (Mar. 13, 2025) <https://www.insidehighered.com/news/faculty-issues/research/2025/03/13/trumps-columbia-cuts-start-hitting-postdocs-professors>, <https://perma.cc/6TCM-EBZF>.

⁶⁰ Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*, *New York Times*, (Mar. 18, 2025), <https://www.nytimes.com/2025/03/18/nyregion/columbia-research-grants-trump.html>.

⁶¹ *Id.*

multiple researchers with different expertise and resources at different universities with a single grant administered through a lead university like Columbia.⁶²

109. For example, a Harvard Medical School professor told the *New York Times* he had a grant cut for a large diabetes research project, which followed a group of 1,700 people over more than 25 years, because the grant flowed through Columbia.⁶³ One nurse who had participated in the diabetes study for twenty-five years told the *New York Times* that when she found out, “Honestly, I wanted to cry.”⁶⁴

110. The grant cuts have also shut down the Center for Solutions for ME/CFS, a large research program into myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), a condition believed to affect millions of Americans, according to *STAT*.⁶⁵ The center had funded projects not only at Columbia but also at the University of California Davis, Harvard, and the University of Edinburgh, according to *STAT*.⁶⁶

111. A number of grants to Columbia University that were terminated were listed among the Department of Government Efficiency (DOGE)’s “savings” on its website.⁶⁷ On the same day that NIH stated on X that it would cancel 400 grants, DOGE updated its savings page to include nearly 400 new grants terminated by Defendant HHS (Defendant NIH’s parent agency), which could be matched by exact dollar amount to grants previously awarded by the NIH to Columbia University.⁶⁸

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Isabella Cueto, *ME/CFS research program shuts down at Columbia after Trump cuts*, STAT News (Mar. 19, 2025), <https://www.statnews.com/2025/03/19/myalgic-encephalomyelitis-chronic-fatigue-syndrome-columbia-program-shutdown/>, <https://perma.cc/QY7T-L5X4>.

⁶⁶ *Id.*

⁶⁷ Jeremy Barr, *Robert Allbritton’s new mission is creating more journalists. Why?*, Wash. Post (May 20, 2024), <https://www.washingtonpost.com/style/media/2024/05/30/robert-allbritton-notus-journalism/>.

⁶⁸ Mark Alfred, *The Trump Administration Cut Cancer and Alzheimer’s Research Funding at Columbia University, NOTUS*, (Mar. 18, 2025), <https://www.notus.org/health-science/columbia-university-grant-cuts>.

112. On March 7, Teachers College announced that it had “received notice that a number of [its] faculty grants are also being cut as part of” the government’s cancelation of \$400 million in grants and contracts. Teachers College stated in this announcement that this was “[e]ven though Teachers College is an independent institution, guided by a separate Board of Trustees and President, one that enforces its own set of anti-harassment and anti-discrimination policies.”⁶⁹ The statement continues, “These wholesale cuts to vital research endeavors will have lasting and devastating impacts on the public good, to which our university system is devoted: from public health, to K-12 teachers and students, mental health and counseling, community colleges, and much more.”⁷⁰

113. Some researchers received formal cancelation notices that stated that funding was terminated “due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and wellbeing of Jewish students.”⁷¹ Others have not yet received any government notice of their grant cancelation, but Columbia University has informed them that their funding has stopped.

V. Defendants’ Actions Inconsistent with Title VI

114. Section 601 of Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in all programs receiving federal funding. 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.”).

⁶⁹ Thomas Bailey, *Announcement: Update in Light of March 7 Federal Announcement*, Teachers College Columbia University (Mar. 7, 2025) <https://www.tc.columbia.edu/articles/2025/march/update-in-light-of-march-7-federal-announcement/>, <https://perma.cc/Z9G7-N2ZY>.

⁷⁰ *Id.*

⁷¹ Jocelyn Kaiser, *After Columbia’s ‘nightmare,’ dozens more universities brace for Trump NIH cuts*, Science (Mar. 18, 2025), <https://www.science.org/content/article/after-columbia-s-nightmare-dozens-more-universities-brace-trump-nih-cuts>.

115. Although Defendants invoked Title VI as a purported justification for the March 7 Funding Withdrawal and the March 13 Letter, their actions do not comport with the requirements of the statute or Defendants' own regulations.

A. Defendants' Failure to Follow Title VI Statutory and Regulatory Requirements for Terminating or Refusing to Grant or Continue Federal Funding

116. Section 602 of Title VI prescribes specific procedural requirements that federal agencies must follow before taking "any action terminating, or refusing to grant or continue, [federal financial] assistance because of failure to comply with [Section 601]." 42 U.S.C. § 2000d-1.

117. Section 602 provides that terminating or refusing to grant or to continue assistance may be done only after "an express finding on the record, after opportunity for hearing, of a failure to comply with [Section 601]." *Id.*

118. Section 602 further provides that "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," and that "[n]o [terminating] action shall become effective until thirty days have elapsed after the filing of such report." *Id.*

119. Section 602 further provides that any "termination or refusal [to grant or to continue assistance under Title VI] 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.*" *Id.* (emphasis added).

120. In addition, Congress made that limited authority to terminate or refuse grants subject to an additional proviso “[t]hat 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.” *Id.*

121. These stringent procedural requirements for termination or refusal to grant or continue assistance reflect congressional intent to safeguard against the potential exploitation of Title VI funding leverage as a “vindictive or punitive” measure against federal funding recipients.⁷² From the very inception of the Civil Rights Act of 1964, lawmakers were aware of and concerned about the far-reaching authority Title VI grants the federal government over programs receiving federal funds. The congressional notice requirement, presidential approval of agency regulations implementing Title VI (discussed below), and requirement for a hearing on the record were all introduced as amendments to the original bill and were expressly aimed at preventing abuses of power.⁷³

122. Senator John Pastore from Rhode Island, who was the floor manager in the Senate for the Civil Rights Act of 1964, explained that “Failure of a recipient to comply with a rule, regulation, or order issued by an agency may ultimately lead to a termination or refusal of Federal assistance. Cutoff of assistance is not the object of title VI, however. I wish to repeat: Cutoff of assistance is not the objective of title VI. Fund cutoff is a last resort, to be used only if all else fails

⁷² See Senator Pastore, Congressional Record from April 7, 1964, page 7063, <https://www.congress.gov/88/crecb/1964/04/07/GPO-CRECB-1964-pt6-1-1.pdf>, <https://perma.cc/95VE-5QL8>.

⁷³ See Rep. Willis, Congressional Record from February 7, 1964, <https://www.congress.gov/88/crecb/1964/02/07/GPO-CRECB-1964-pt2-8-2.pdf>; Rep. Lindsay, Congressional Record from February 7, 1964, <https://www.congress.gov/88/crecb/1964/02/07/GPO-CRECB-1964-pt2-8-2.pdf>; Rep. Lindsay, Congressional Record from February 7, 1964, <https://www.congress.gov/88/crecb/1964/02/07/GPO-CRECB-1964-pt2-8-2.pdf>, <https://perma.cc/WJK5-8K7G>.

to achieve the real objective—the elimination of discrimination in the use and receipt of Federal funds.”⁷⁴

123. Senator Pastore further elaborated on the importance of the statutory and regulatory safeguards in ensuring that revocation of funding was “a last resort” rather than a “punitive or vindictive measure,” noting that “cutoff of funds would not be consistent with the objective of the Federal assistance statutes if other effective means of ending discrimination are available.”⁷⁵

124. Section 602 “direct[s]” federal agencies to “issu[e] 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.” 42 U.S.C. § 2000d-1. Agencies are required to seek approval of those regulations from the President, *id.*, who has delegated that authority to the Attorney General. The Attorney General oversees and coordinates enforcement of Title VI among federal agencies. *See, e.g.*, Exec. Order No. 12250 (1980) at §§ 1–2; Exec. Order 11764, 3A C.F.R. § 124 (1974 Comp.); Exec. Order 11247, 3 C.F.R. 1964–1965 Comp. 348 (Sept. 24, 1965).

125. Pursuant to Section 602, and consistent with this legislative intent, each of the defendant agencies has promulgated regulations imposing additional procedural requirements on the termination of federal funding for alleged noncompliance with Section 601.

126. These regulations, which are effectively the same across the defendant agencies, provide that “[n]o order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be

⁷⁴ Senator Pastore, Congressional Record from April 7, 1964, page 7059, <https://www.congress.gov/88/crecb/1964/04/07/GPO-CRECB-1964-pt6-1-1.pdf>, <https://perma.cc/KGN2-86X9>.

⁷⁵ Senator Pastore, Congressional Record from April 7, 1964, pages 7059, 7063, <https://www.congress.gov/88/crecb/1964/04/07/GPO-CRECB-1964-pt6-1-1.pdf>, <https://perma.cc/KGN2-86X9>.

secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.” 34 C.F.R. § 100.8(c) (ED); *see* 45 C.F.R. § 80.8(c) (HHS); 28 C.F.R. § 42.108(c) (DOJ); 41 C.F.R. § 101-6.211-3 (GSA).

127. On information and belief, Defendants failed to comply with the foregoing requirements before terminating funding on March 7 and before refusing to grant or continue financial assistance to Columbia unless, as a precondition to future negotiations, Columbia acceded to the demands set forth in the March 13 Letter. Among other things, Defendants did not provide an opportunity for hearing or make an express finding on the record as to the University’s noncompliance with Title VI. Nor did any “responsible Department official” determine that the University’s compliance could not be secured by voluntary means. Moreover, no head of any Federal department or agency has filed with any committees of the House and Senate a “full report of the circumstances and the grounds” for the action terminating or refusing to grant or continue federal assistance to the University because of a failure to comply with Title VI. Nor have thirty days elapsed after the filing of any such report.

128. The defendant agencies’ regulations also impose requirements on the conduct of investigations for alleged Section 601 violations. Among other requirements, where such investigation “indicates a failure to comply with [Section 601], the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible.” 34 C.F.R. § 100.7(d); *see* 45 C.F.R. § 80.7(d); 28 C.F.R. § 42.107(d); 41

C.F.R. § 101–6.210–4(a). Only where “it has been determined that the matter cannot be resolved by informal means” shall terminating “action . . . be taken.” 34 C.F.R. § 100.7(d); *see* 45 C.F.R. § 80.7(d); 28 C.F.R. § 42.107(d); 41 C.F.R. § 101–6.210–4(a).

129. On information and belief, no “responsible Department official or his designee” sought to resolve the University’s alleged violations of Section 601 through informal means before termination of funding, even though such informal resolution may have been possible.

130. Additionally, the defendant agencies’ Title VI regulations impose requirements on the conduct of pre-termination hearings. Among other requirements, “[w]henever an opportunity for a hearing is required . . . reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time.” 34 C.F.R. § 100.9(a); *see* 45 C.F.R. § 80.9(a); 28 C.F.R. § 42.109(a); 41 C.F.R. § 101–6.212–1.

131. The same regulations further provide that “[t]he hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act,” and that “[b]oth the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.” 34 C.F.R. § 100.9(d)(1); *see* 45 C.F.R. § 80.9(d)(1); 28 C.F.R. § 42.109(d)(1); 41 C.F.R. § 101–

6.212–4(a). All such evidence “shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues,” and “[a] transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record.” 34 C.F.R. § 100.9(d)(2); *see* 45 C.F.R. § 80.9(d)(2); 28 C.F.R. § 42.109(d)(2); 41 C.F.R. § 101–6.212–4(b).

132. On information and belief, Defendants failed to comply with the foregoing procedures governing pre-termination hearings. Among other things, Defendants did not conduct a hearing at all or provide any notice.

133. The defendant agencies’ regulations also impose requirements regarding post-hearing termination decisions and notices. For example, “[a]fter a hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the reviewing authority for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient and to the complainant, if any.” 34 C.F.R. § 100.10(a); *see* 45 C.F.R. § 80.10(a); 28 C.F.R. § 42.110(a); 41 C.F.R. § 101–6.213–1.

134. Moreover, “[e]ach decision of a hearing examiner or reviewing authority shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.” 34 C.F.R. § 100.10(d); *see* 45 C.F.R. § 80.10(d); 28 C.F.R. § 42.110(d); 41 C.F.R. § 101–6.213–4. And “[w]henver a record is certified to the reviewing authority for decision or it reviews the decision of a hearing examiner . . . the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions, and a copy of the final decision of the reviewing authority shall be given in

writing to the applicant or recipient and to the complainant, if any.” 34 C.F.R. § 100.10(b); *see* 45 C.F.R. § 80.10(b); 28 C.F.R. § 42.110(b); 41 C.F.R. § 101–6.213–2.

135. On information and belief, Defendants failed to issue a decision consistent with the foregoing regulations. Among other things, Defendants did not provide the University with a reasonable opportunity to file briefs or other written statements of its contentions.

136. The defendant agencies’ Title VI regulations provide that “[a]ny action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or 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.” 34 C.F.R. § 100.8(c); *see* 45 C.F.R. § 80.8(c); 28 C.F.R. § 42.108(c); 41 C.F.R. § 101–6.211–3.

137. Defendants did not limit the March 7 funding withdrawal to any particular program, or part thereof, in which noncompliance has been found. Nor was such withdrawal limited in its effect to any particular program, or part thereof, in which noncompliance has been found. Rather, the withdrawal—and the effect of such withdrawal—is widespread and reaches departments and individuals, including Plaintiffs’ members, as to whom there has been no finding of noncompliance. Likewise, Defendants did not limit to “any particular program or part thereof in which noncompliance has been found” their refusal to grant or continue federal financial assistance to Columbia unless, as a precondition to future negotiations, Columbia acceded to the demands set forth in the March 13 Letter.

138. Defendants’ failure to comply with Section 602 and the Defendant agencies’ respective regulations is not authorized by any law.

B. Defendants' Failure to Follow Agency Practices and Procedures

139. Within Defendant the Department of Education, the Office for Civil Rights (“OCR”) is responsible for ensuring compliance with Title VI.

140. As of January 14, 2025, OCR had at least 3,281 open Title VI investigations into educational institutions, 649 of which are focused on post-secondary institutions.⁷⁶ Eighty of those specifically focus on discrimination on the basis of national origin involving religion.⁷⁷

141. Claims of religious discrimination, including antisemitism, fall within Title VI where they overlap with race or national origin discrimination and are investigated as discrimination “on the basis of national origin involving religion.”⁷⁸

142. Despite the number of open Title VI investigations, there is no record of any cancelation or revocation of funding to educational institutions due to Title VI noncompliance.

143. A 2019 Congressional Research Service analysis could not find any termination orders issued under Title VI by OCR in the prior 25 years.⁷⁹

144. The Title VI scheme contemplates that voluntary compliance and negotiated resolutions are the enforcement norm. Section 602 requires that no action to terminate or revoke funding may be taken “until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and *has determined that compliance cannot be secured by voluntary means.*” 42 U.S.C. § 2000d-1 (emphasis added).

⁷⁶ Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools, Office for Civil Rights (last updated Jan. 14, 2025), https://ocras.ed.gov/open-investigations?field_ois_state=All&field_ois_discrimination_statute=700&field_ois_type_of_discrimination=All&items_per_page=20&field_ois_institution=&field_ois_institution_type=752&field_open_investigation_date_1=&field_open_investigation_date_2=&field_open_investigation_date=&field_open_investigation_date_3=, <https://perma.cc/V66H-8WJW>.

⁷⁷ *Id.*

⁷⁸ Abigail A. Graber, *Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964*, Congressional Research Service, Sept. 17, 2024, <https://www.congress.gov/crs-product/LSB11129>.

⁷⁹ Jared Cole, *Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of 1964*, Congressional Research Service at 19 n. 154, April 4, 2019, <https://www.congress.gov/crs-product/R45665>.

145. Codified Department of Justice guidelines reiterate the importance of voluntary compliance. “Title VI requires that a concerted effort be made to persuade any noncomplying applicant or recipient voluntarily to comply with title VI. Efforts to secure voluntary compliance should be undertaken at the outset in every noncompliance situation and should be pursued through each stage of enforcement action. Similarly, where an applicant fails to file an adequate assurance or apparently breaches its terms, notice should be promptly given of the nature of the noncompliance problem and of the possible consequences thereof, and an immediate effort made to secure voluntary compliance.” 28 C.F.R. § 50.3.

146. The OCR has developed a Case Processing Manual (“CPM”) laying out the proper procedures for handling discrimination cases, including Title VI cases, which further describe the relevant procedures.⁸⁰

147. The CPM states that “[w]hen OCR opens a complaint for investigation, it will issue letters of notification to the complainant and the recipient” containing details about the allegations and information about mediation options.

148. Regardless of the conclusions of the investigation, the CPM requires OCR to “issue a letter of finding(s) explaining the reason(s) for its decision to both the recipient and the complainant.”

149. If, after the investigatory process, OCR determines that an educational institution is not in compliance with Title VI based upon the preponderance of the evidence, the OCR CPM states that OCR will “negotiate a resolution agreement and issue a letter of finding(s).” The resolution agreement in that case functions like proposed settlement terms, laying out “action steps

⁸⁰ Case Processing Manual, U.S. Department of Education Office for Civil Rights, February 19, 2025, <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf>, <https://perma.cc/3KZL-DJQG>.

that, when implemented, will remedy both the individual discrimination at issue and any similar instances where future violative conduct may recur.”

150. OCR and the non-compliant education institution then have 90 calendar days to negotiate a final agreement.

151. If the negotiations have reached an impasse and/or the 90 day window has elapsed, OCR will then issue an “Impasse Letter” that includes a description of the unsuccessful attempts to resolve the complaint and “informs the recipient that OCR will issue a letter of impending enforcement action in 10 calendar days if a resolution agreement is not reached within that 10-day period. The case processing manual includes specific details and language about what must be included in the letter of impending enforcement action.

152. Resolution agreements are quite common. According to OCR’s public database, OCR resolved eight Title VI investigations specifically related to national origin discrimination claims involving religion in January 2025 and twenty-six in 2024.⁸¹

153. Defendants’ actions targeting Columbia deviate drastically from OCR’s usual practice and do not comply with the statutory or regulatory requirements for termination of federal funding.

154. According to the OCR website, there are seven open investigations into Columbia University on the basis of race and national origin discrimination. Three of those claims are for denial of benefits, three are for national origin discrimination involving religion, and one is for

⁸¹ Office for Civil Rights Recent Resolution Search (last visited Mar. 24, 2025), https://ocrcas.ed.gov/ocr-search?race_and_national_discrimination%5B%5D=549&title_vi=526&sort_order=DESC&sort_by=field_resolved, <https://perma.cc/JB9C-YB9M>.

retaliation. Two of the investigations were opened in late 2023 and the remainder were opened in 2024.⁸² This data was last updated on January 14, 2025.

155. On February 3, 2025, OCR opened a new investigation under Title VI into five universities, including Columbia, for “widespread antisemitic harassment” on campus.⁸³ It is unclear based on the public record how that investigation relates to the multiple Title VI investigations already underway; however, unlike the prior investigations, OCR did not publicly release any notice to Columbia detailing the complaints and investigatory next steps. Had regular procedures been followed, that notice would also have informed Columbia of its right to pursue mediation to resolve the investigation.

156. If, following an investigation, OCR had determined that Columbia was failing to meet its obligations under Title VI, the CPM states that the proper next step would be to send a letter detailing the investigatory findings along with a proposed resolution agreement. Columbia should then have had at least 90 days to negotiate a final agreement with OCR, again including the option for mediation and a potential extension of time if necessary.

157. It is Plaintiffs’ understanding and belief that no finding of a violation, proposed resolution agreement, or negotiations occurred in accordance with this process prior to the March 7 Funding Withdrawal. There were 32 days between the February 3, 2025 opening of this investigation and the March 7 Funding Withdrawal.

⁸² Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools, Office for Civil Rights (last updated Jan. 14, 2025), https://ocras.ed.gov/open-investigations?field_ois_state=All&field_ois_discrimination_statute=700&field_ois_type_of_discrimination=All&items_per_page=20&field_ois_institution=Columbia+University&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=&field_open_investigation_date=&field_open_investigation_date_3=/, <https://perma.cc/TLZ4-8LCH>.

⁸³ U.S. Department of Education Probes Cases of Antisemitism at Five Universities, U.S. Dep’t of Education (Feb. 3, 2024), <https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>, <https://perma.cc/UCQ6-2Z9B>.

158. Furthermore, if such negotiations had been attempted and proven unsuccessful, OCR should have issued an “Impasse Letter,” detailing the specific unsuccessful attempts to attain voluntary compliance and informing Columbia that it would pursue enforcement action after 10 calendar days if a resolution was not reached. If, following negotiation and an impasse letter, voluntary compliance proved unattainable, only then could OCR even begin enforcement proceedings. Department of Education regulations and the CPM require OCR to provide institutions with specific notice of the proposed enforcement action and the opportunity for a hearing on the record with counsel. 34 C.F.R. § 100.9.

159. On information and belief, no such communication occurred.

160. After a determination of noncompliance on the record, OCR is then required to submit a report to the relevant House and Senate committees detailing the circumstances giving rise to the enforcement action and grounds for the revocation of funds. 34 C.F.R. § 100.8(c). OCR must then wait 30 calendar days after the submission of the Congressional reports before any enforcement action begins.

161. On information and belief, no such reports have been submitted.

C. Defendants’ Failure to Provide a Reasoned Decision for Terminating \$400 Million in Funding and Refusing to Grant or Continue All Federal Funding

162. Beginning in October 2023, Columbia has issued a number of statements, studies, reports, and policy changes in response to complaints of antisemitism and discrimination on campus.

163. On information and belief, Defendants have not made a reasoned determination whether Columbia’s responses to complaints of antisemitism and discrimination on campus were or were not sufficient under Title VI, and did not make any such determination prior to terminating \$400 million in funding on March 7 or refusing all future federal financial assistance absent

Columbia's accession to the March 13 demands. Rather, upon information and belief, Defendants' investigations into those complaints were still ongoing at the time of Defendant's March 7 funding termination and March 13 Letter.

164. On information and belief, prior to terminating \$400 million in funding on March 7 or refusing all future federal financial assistance absent Columbia's accession to the March 13 demands, Defendants did not address whether the following responses publicly reported by Columbia were or were not sufficient to comply with Title VI:

165. On October 18, 2023, in response to the early weeks of the campus upheaval caused by the October 7 attacks and subsequent protests, then-president of Columbia Minouche Shafik issued a statement on "Upholding Our Shared Values" addressing student concerns about personal safety and noting that Columbia had increased public safety officers across campus, hired outside security firms for support, and was in regular contact with the New York City Police Department.⁸⁴ The letter also stated that "antisemitism, Islamophobia, bigotry against Palestinians and Israelis, and various other forms of hate" are "antithetical to Columbia's values" and that "[w]hen this type of speech is unlawful or violates University rules, it will not be tolerated."⁸⁵

166. On October 27, 2023, then-president Shafik issued another letter expressing "shock" at "several antisemitic incidents" in the preceding days.⁸⁶ Shafik wrote that, "[t]he perpetrators of these incidents are not only attacking members of our community, they are attacking the values it is built on—respect for our shared humanity. I want to reiterate that antisemitism, like any form of bigotry, is an assault on everything we stand for at Columbia."⁸⁷

⁸⁴ Minouche Shafik, *Upholding Our Values*, Columbia University Office of the President (Oct. 18, 2023), <https://president.columbia.edu/news/upholding-our-values>.

⁸⁵ *Id.*

⁸⁶ Minouche Shafik, *Standing in Solidarity*, Columbia University Office of the President (Oct. 27, 2023), <https://president.columbia.edu/news/standing-solidarity>.

⁸⁷ *Id.*

167. On November 1, 2023, then-president Shafik announced a new Task Force on Antisemitism to “address the harmful impact of rising antisemitism on Columbia’s Jewish community and to ensure that protection, respect, and belonging extends to everyone.”⁸⁸ In her letter announcing the task force Shafik wrote that “We want to reiterate that we will not tolerate such [antisemitic] 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.”⁸⁹

168. The task force was tasked with identifying “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” as well as recommendations for “more ambitious changes related to academic and extracurricular offerings and student, faculty, and staff training programs.”⁹⁰

169. More concretely, the task force was assigned three specific projects.

170. First, it was tasked with engaging in a “serious and honest assessment of the sources and extent of the discomfort that many Jewish members of the Columbia community feel.”⁹¹ It was to carry out this objective via listening sessions with students, faculty, and staff and then share its learnings “so everyone in the Columbia community can gain a deeper understanding of the relevant challenges and the dynamics contributing to them.”⁹²

⁸⁸ Task Force on Antisemitism, Columbia University, <https://www.columbia.edu/content/task-force-antisemitism>.

⁸⁹ Minouche Shafik, Laura Ann Rosenbury, Thomas R. Bailey, *Announcing Task Force on Antisemitism*, Columbia University Office of the President (Nov. 1, 2023), <https://president.columbia.edu/news/announcing-task-force-antisemitism>.

⁹⁰ Task Force on Antisemitism, Columbia University, <https://www.columbia.edu/content/task-force-antisemitism>.

⁹¹ About the Task Force on Antisemitism, Columbia University, <https://www.columbia.edu/content/about-task-force-antisemitism>.

⁹² *Id.*

171. Second, the task force was directed to “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.”⁹³

172. Third, the task force was directed to “propose various other ways to sensitize the entire community to antisemitism, to counter it more effectively, and to support Jews at Columbia.”⁹⁴

173. The task force has issued two reports.

174. The first report, released in March 2024, focused on Columbia’s rules regarding campus demonstrations and made numerous recommendations as to how Columbia’s time, place and manner rules for peaceful protest could be improved.⁹⁵

175. Shafik noted that she was “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.”⁹⁶

176. The Task Force on Antisemitism released a second report in August 2024 and focused on Columbia students’ shared experiences with antisemitism on campus and “recommendations for promoting shared values and inclusion.”⁹⁷

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Report # 1: Task Force on Antisemitism, Columbia University (March 2024), <https://www.columbia.edu/content/report-1-task-force-antisemitism>.

⁹⁶ *President Shafik Welcomes the First Set of Recommendations From the Task Force on Antisemitism*, Columbia University Office of the President (March 4, 2024), <https://president.columbia.edu/news/president-shafik-welcomes-first-set-recommendations-task-force-antisemitism>.

⁹⁷ Report # 2: Task Force on Antisemitism, Columbia University (August 2024), <https://www.columbia.edu/content/report-2-task-force-antisemitism>.

177. The Office of the President recently released a statement entitled “Combatting Antisemitism,” which includes “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.”⁹⁸ According to the statement on Combatting Antisemitism, Columbia has hired 117 additional public safety officers and increased staffing to ensure around-the-clock monitoring on campus including expanded coverage of the Kraft Center for Jewish Life.⁹⁹ Columbia also increased training for public safety officers including regarding enforcement of the University’s Rules and strengthened rapid response capabilities.¹⁰⁰

178. The statement on Combatting Antisemitism also reports that Columbia reviewed and updated the school discipline procedures to “ensure that the processes are enforced on a timely basis.”¹⁰¹ Columbia also updated the University’s antidiscrimination and discriminatory harassment policy for students and groups including to note that “antizionism can be antisemitism.”¹⁰²

179. According to the statement on Combating Antisemitism, Columbia established a new Office of Institutional Equity to serve as a central point for discrimination complaints—including alleged violations of Title VI—and simplified the reporting process with a new “one-click” method for filing a complaint.¹⁰³ Columbia also more than doubled the number of full time

⁹⁸ Combatting Antisemitism, Columbia University Office of the President, <https://president.columbia.edu/content/combating-antisemitism>.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

employees handling equity issues and now has a team of more than 57 full time employees including multiple professional investigators.¹⁰⁴

180. Columbia reported that it had “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.”¹⁰⁵

181. Columbia also announced that it launched the 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.”¹⁰⁶

182. Finally, the statement on Combatting Antisemitism reported that over 30,000 faculty, staff, and contractors have completed mandatory Title VI training, and over 5,000 students had completed mandatory Title VI training, with a deadline for all students to complete the training by March 24, 2025.¹⁰⁷

183. On March 13, 2025, Columbia announced that it had expelled or suspended multiple students involved in the protests and temporarily revoked the diplomas of students who have since graduated.¹⁰⁸

184. The Anti-Defamation League, which works to combat antisemitism, produces an annual Campus Antisemitism Report Card for many American universities. In 2025, ADL assessed that there is a “high” level of concern regarding the campus climate at Columbia; however, it gave Columbia an “above expectations” grade for its publicly disclosed administration actions to combat antisemitism and assessed that Jewish life on campus is “excellent.”¹⁰⁹

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ University Statement Regarding UJB Determinations, Columbia University Office of Public Affairs, March 13, 2025, <https://communications.news.columbia.edu/news/university-statement-regarding-ujb-determinations>.

VI. Impact of Defendants' Actions on Plaintiffs

A. Impacts of Funding Withdrawal

185. AAUP and AFT members have lost funding as a result of the government's actions.

This complaint provides a few examples.

186. One member of AAUP and AFT is a faculty member in the Mailman School of Public Health.

187. Their research focuses on mental health disorders, like schizophrenia.

188. Several of their grants have been terminated. They are the lead or co-lead on two of the terminated grants. There is at least one more terminated grant on which they were a researcher but was not the lead or co-lead.

189. NIH sent Columbia a notification that the grant on which they are listed as the principal investigator (PI) at Columbia was terminated, which Columbia forwarded to them. 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."

190. This terminated grant for which they are the lead had funded a large project to study the genomics of schizophrenia, in partnership with the University of Washington and the University of Cape Town. The study focused on a population in South Africa, because there is more genetic variety in Africa than on any other continent, and thus the results of this genomic study may have critical implications for an understanding of schizophrenia around the world, including in the US.

191. This project has been funded by the NIH for more than 10 years, and the team would have finished the genomic sequencing required for the analysis of the data in about a year. The project has now stopped.

192. The cessation of this research represents an enormous loss for this AAUP/AFT member's research and for 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 in light of Defendant's termination of funding.

193. The termination in grant funding and resulting halt of the work also breaks the relationship of trust between this AAUP member and their project's collaborators outside of Columbia University, and that harm would persist even if this project were to restart. It is also detrimental to this AAUP/AFT member's reputation and overall work.

194. This AAUP/AFT member coordinated the project and their team played the central data management role. Funds are not available at other sites for others to assume this role.

195. 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.

196. The grant also partially supported the salaries of this AAUP member and five other team members at Columbia University. Over time, the grant supported about 20-25% of this AAUP member's salary.

197. Without funding, this AAUP/AFT member 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.

198. This AAUP/AFT member 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.

199. Another AAUP/AFT member is a faculty member in the Mailman School of Public Health and also a co-lead of this training program.

200. The leads of the program received notice from Columbia University that the federal funding for this training grant has stopped.

201. The loss of such a training grant is a loss of the ability to train the next generation of psychiatric epidemiologists, an important part of this AAUP/AFT member's career.

202. There were three post-docs in the program, and they now have no guarantee of funding from the federal government.

203. The March 7 Funding Withdrawal also creates enormous uncertainty about the future. Since scientific research typically involves long-term multi-year commitments, the March 7 Funding Withdrawal irrevocably complicates the planning necessary to undertake this AAUP/AFT member's work.

204. Another member of AAUP and AFT is a faculty member in the School of Social Work. Their research focuses on community and global health.

205. This AAUP/AFT member is a researcher on a team that has had multiple grants terminated as a result of the \$400 million cuts. They supervise work on this team and is the faculty mentor of the principal investigator.

206. One of the grants was an approximately \$3.5 million NIH 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.

207. The grants support research on how extreme weather and climate change influence health, mental health, and well being among women in East Africa. The implications of this work are far-reaching and inform the understanding of health in low resourced US areas experiencing extreme weather as well.

208. Because the approximately \$3.5 million NIH grant was awarded recently, hiring had not yet begun for the US-based team of that part of the project.

209. There were at least 20 staff hired in East Africa, who will need to be laid off due to the grant termination.

210. It would be very detrimental to this AAUP/AFT member's research on this project to lose the expertise of these individuals.

211. Stopping this work and laying off these individuals also breaks the trust of the community. Community trust is vital for rigorous, relevant, productive research.

212. As a result of the loss in expertise and trust, even if it were possible to eventually get funding again, this AAUP/AFT member and the research team could not bring this center together with the same quality and comprehensiveness.

213. For the over \$370,000 NIH grant, the work has also stopped. For example, efforts to share the substantive results with stakeholders in the regions and for them to make use of findings have been unable to continue.

214. Stopping this sharing of knowledge will also harm the trust and long-standing relationship with the local stakeholders critical to this research.

215. It will be difficult for this AAUP/AFT member and the project team to establish future projects in that area as a result of this damaged trust and relationship.

216. This AAUP/AFT member cannot do long-term planning for their work. They have no idea what to expect in terms of access to resources. The member does not know why these grants were selected for termination, as the grants have no conceivable connection to concerns over antisemitism. They do not know how best to move forward with future grants.

217. Another member of AAUP and AFT is a faculty member in the School of Social Work. Their research focuses on HIV-prevention science.

218. They are the mentor of a pre-doctoral graduate student who lost a T32 training program grant as part of the March 7 Funding Withdrawal. The student works on data analysis for this AAUP/AFT member's research.

219. This AAUP/AFT member is concerned that in the future, they will not have any more pre-doctoral students to work with, given all the training grant cuts. Pre-doctoral students benefit this AAUP/AFT member's research because the students do work on their projects.

220. Furthermore, 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. This has huge negative ramifications to the work that this AAUP member has dedicated their career.

221. The March 7 Funding Withdrawal has harmed this AAUP/AFT member's ability to do any long-term planning. They have no way to know what funds might be terminated without warning in the future. This uncertainty has both affected the research and also taken a significant emotional toll on them and their team.

222. Another member of AAUP and AFT is a member of the faculty at the Mailman School of Public Health. This AAUP/AFT member is Jewish.

223. This AAUP/AFT member's research focuses on adolescent health, mental health and substance use.

224. This AAUP/AFT member had an approximately \$2.5 million NIH R01 grant terminated as part of the government's announced \$400 million cuts. The R01 is the NIH's most commonly used grant program for independent research projects. It funded a five-year project, at

about \$500,000 a year. Only two out of the five years had been completed before the termination.

225. The project that was funded by the terminated grant focused on modifiable community and school factors that influence student mental health and substance use. The project involved a collaboration with a New York City agency and was poised to directly inform city policy.

226. As a result of the grant termination, the work on the grant has stopped. All meetings with the New York City agency have stopped, and the team has stopped all new data analysis.

227. The termination of this research may have long-term ramifications harming adolescent health policy and education policy, issues that have been very important to this AAUP/AFT member and their career.

228. Even if this AAUP/AFT member is able to eventually secure other funding and this project could resume, the pause will create a significant delay in the completion of data analysis and publication of research findings, which may then harm this AAUP/AFT member's ability to obtain new grants and expand their research in a timely manner. This is because securing funding to expand a research program generally requires building on previous findings.

229. This AAUP/AFT member is concerned that the halting of this funding will affect their relationship with current and future research partners. This AAUP/AFT member has learned of potential research partners being reluctant to provide letters of support or join projects after the funding cuts, because they did not want to be associated with Columbia.

230. The grant supported about 30% of this AAUP/AFT member's salary.

231. The loss of this R01 grant also puts this AAUP/AFT member's career in jeopardy. R01 grants are important grants, and universities like Columbia generally want faculty to have one or two of these grants to obtain tenure. Now that the AAUP/AFT member no longer has this grant, this AAUP/AFT member is at risk of not being able to obtain tenure.

232. The grant also funded researchers from other universities, whose funding has now also been terminated. One researcher is at the University of Minnesota, and the other researcher is at the University of North Carolina School of Public Health. The researcher at the University of Minnesota is an AAUP/AFT member. This terminated grant made up a percentage of both of their salaries.

233. This terminated grant also supported a researcher at Teachers College, which is affiliated with Columbia University but is an independent institution.

234. In addition, the grant also supported the salaries of two other faculty members in the School of Public Health, one full time project coordinator, about half the salary of a data analyst, and about half the salary of a postdoctoral research fellow.

235. For multiple of these individuals supported by this grant, their jobs and careers are at risk because of this grant termination.

236. This AAUP/AFT member may be forced to lay off the project coordinator after a few months as a result of the cancelation of funding.

237. Laying off this project coordinator would be very detrimental for this AAUP/AFT member's research. The project coordinator received significant training and credentialing by the New York City Department of Health and Mental Hygiene in order to work with the New York City agency that is the partner of this research project. This includes rare training that happens

once or twice per year and which is vital for the continuity of this research project. It will create significant delays to the research project to lose this expertise.

B. Impacts of Threat to Academic Freedom and Free Speech

238. Plaintiffs' members have experienced and are experiencing manifold harms to their First Amendment rights as a result of Defendants' actions.

239. Defendants' March 7 Funding Withdrawal and March 13 Letter have chilled the speech of Plaintiffs' members and infringed upon their academic freedom in scholarship and outside of the classroom. Now, Plaintiffs' members are fearful that their scholarship, if not aligned with the views or priorities of the Trump administration, could lead to even further incursions on the academic freedom of their own departments. As a result, some are engaging and will engage in self-censorship on topics they perceive to be in tension with Defendants' preferred viewpoint.

240. All members of the Columbia AAUP chapter are employed by Columbia, which was threatened with the March 7 Funding Withdrawal and the March 13 Letter, and as a result are impacted by additional policies promulgated on March 21 that restrict academic freedom on campus.

241. All Plaintiffs' members at Columbia are employed by a university that will host less speech as a result of Defendants' actions.

242. Some have engaged in self-censorship around the Israel-Palestine conflict, including opting not to participate in discussion in academic settings.

243. An AAUP/AFT member who is a faculty member in the School of Social Work feels chilled in their speech as a result of the Defendants' actions. Due to the federal government's actions, they are uncertain what they can and cannot say in the classroom or in public. They must now consider what they say and are afraid of people recording them, and photographing them in

spaces that may be in proximity to a rally or protest. They have to be careful about what they write publicly and privately. They are concerned in the classroom, at the School of Social Work, and on the main campus. They are also concerned in private and social media spaces. This AAUP/AFT member is very careful and mostly does not post on social media at all anymore. They observe that many others at the University feel similarly.

244. This AAUP/AFT member seeks to join with other professors and students to promote Palestinian freedom and an anti-war perspective. They believe this viewpoint is very different from antisemitism. Nevertheless, they have perceived how Defendants' actions have equated any support for Palestinian freedom and an anti-war perspective with antisemitism. They feel that Defendants' actions have prevented them from expressing what should be a valid and legal viewpoint in the United States.

245. This AAUP/AFT member teaches a class on reproductive justice. Following the March 7 Funding Withdrawal, they assigned a self-reflection asking students to write about how they perceive reproductive justice issues based on their own experiences and identities. A student refused to complete the assignment because it needed to be uploaded to the course website, and the student was afraid that the government would be able to access the answer and target the student.

246. This AAUP/AFT member had taught that class for a number of semesters. No student has ever before expressed that concern.

247. This also impacts what this AAUP/AFT member teaches, as they are concerned about students and their confidentiality. Now they must consider what is safe to ask their students so what the student says in the classroom doesn't make the student a target if repeated outside of

the classroom. This applies to the questions they ask in class and the materials they post for the course.

248. This AAUP/AFT member finds themselves second-guessing how their words may be taken out of context, particularly where funding and reputational harm can follow from even principled, professional speech.

249. This AAUP/AFT member feels that their academic freedom is chilled. They now hesitate before speaking on issues of race, equity, or global human rights, even when such topics are directly relevant to the curriculum they are responsible for delivering.

250. Another member of AAUP and AFT, a faculty member in the School of Social Work, is concerned that they will not be allowed to write grants in the future that use words that the government bans. For example, many words that this AAUP/AFT member understands the government to have deemed as related to “DEI” are core to their HIV research. Furthermore, speaking authentically, including in grant proposals, is an important part of being an HIV-prevention researcher and HIV-prevention activist; being open and honest themselves is necessary to destigmatizing HIV and asking people to engage in health-maintaining behavior.

251. This AAUP/AFT member now no longer talks freely in their work building. They and their colleagues look around to see who’s around before speaking and speak in lower voices. They are afraid of people they do not know. For example, if someone hears them complaining about the way things are being handled, this AAUP/AFT member is afraid that the unknown person will report them.

252. This AAUP/AFT member has also made a change to a reproductive health rights information session event that they were organizing. It was originally going to be in person, but then they made the decision to move it online for participant safety. Now they have decided that

they are just going to do the info-sharing as the only speaker, and everyone's cameras will be off and names hidden. They have taken the Columbia logo off the event, and they will not use the Columbia videoconferencing Zoom account. The March 7 Funding Withdrawal has contributed to these decisions.

253. After the March 7 Funding Withdrawal, this AAUP/AFT member is concerned that if they speak out, they will lose funding or others close to them will lose funding, and then their patients will be harmed.

254. Another member of AAUP and AFT is a faculty member in the Graduate School of Architecture, Planning and Preservation.

255. This AAUP/AFT member has noticed that students and faculty are far more self-conscious in the classroom. The AAUP member believes that in the classroom, it is important for robust discussions to have a degree of spontaneity. That has noticeably lessened now. This AAUP/AFT member also tends to pause more in the classroom themselves now, and reflect on how their words may be misrepresented or taken out of context—almost like talking to a reporter.

256. This AAUP/AFT member, who also has substantial experience working in the humanities across campus, believes that in the humanities, it is crucial that people are able to dispute openly the meaning of certain facts. They believe that it is important to be able to look at a fact or an artwork or a text and debate its meaning openly—a debate that is now severely constrained.

257. This AAUP/AFT member tries not to let their concerns affect their speech and their teaching, but they do find themselves hesitating sometimes. For example, when they teach about Israeli architecture and urban planning, they find it much more difficult to fully explain how that planning has been interpreted differently by different groups.

258. This AAUP/AFT member is concerned that feeling constrained in the classroom will harm teaching in the humanities well beyond the areas mentioned above. They believe in the mantra “teach don’t preach,” and in the science of scholarly interpretation. They therefore believe that professors should be able to share challenging interpretations of controversial artworks, objects, processes, and facts, independent of outside influence.

259. This AAUP/AFT member also feels chilled in their speech while advising students, because they are concerned about any harms that might befall a student if they encourage a student’s ideas when those ideas may engage disfavored interpretations.

260. This AAUP/AFT member believes that the March 7 funding withdrawal has contributed to the chilling of speech. They felt that the classroom environment, for example, has become noticeably more chilled than before. This is a harm to students, who are challenged less frequently to think openly about difficult subjects.

261. There is also the case of students who propose to reflect on what is happening at Columbia University for their class assignments. This AAUP/AFT member wants to encourage them to work freely with their ideas, but they also are concerned that doing so would encourage them to be taking on a risk to themselves.

262. Another AAUP/AFT member who is a faculty member in the Mailman School of Public Health feels chilled in their speech. They feel that they need to be more careful in what they say in teaching and around the university.

263. Defendants’ actions are likely to deter similarly situated faculty of ordinary firmness from exercising their First Amendment rights.

C. Harms to AAUP and AFT

264. AAUP and AFT have themselves suffered harms as a result of the March 7 Funding Withdrawal and the March 13 Letter.

265. As part of their core organizational activities, Plaintiffs regularly consult, work with, and represent local chapters and individual members regarding academic freedom, faculty governance, and other issues involving the employment relationship between university employees and their employers, including but not limited to collective bargaining. Through their local chapters, Plaintiffs also provide for the representation of individual members regarding academic freedom, shared governance, and due process issues in proceedings before their university employers. Plaintiffs perform these activities on behalf of members at Columbia, including the MESAAS Department. Investigations of individual complaints of institutions violating academic freedom principles in relationship to AAUP members are authorized by the Executive Director and conducted by a subcommittee appointed by the Executive Director.

266. The AAUP also specifically maintains a standing committee, known as Committee A on Academic Freedom and Tenure, which “[p]romotes principles of academic freedom, tenure, and due process in higher education through the development of policy documents and reports relating to these subjects and the application of those principles to particular situations that are brought to its attention.”

267. As another example, in 2024, the AFT launched a multi-year, million-dollar campaign to support its higher-education chapters in promoting increased public investment in higher education, safeguarding free speech and academic freedom on campuses, and establishing meaningful job security for higher-education workers while ending contingent employment for academic workers. As part of this campaign, the AFT has hosted a series of organizing webinars,

providing its higher education members with the skills they can use to shape and strengthen their own campaigns to support academic freedom, make higher education more accessible, and ensure contingent faculty have appropriate job security and a livable wage.

268. The AFT also administers the AFT Defense Fund, which provides funding to members for legal proceedings involving, among other subjects, violations of academic freedom, enforcement of tenure rights, and other threats to job security.

269. Defendants' actions have directly impaired these and other activities of Plaintiffs.

270. Defendants' actions have undermined and eroded the longstanding principles of academic freedom, shared governance, and due process that Plaintiffs previously helped secure at Columbia and other institutions where their members are employed. As a direct result of Defendants' actions, Columbia and other universities no longer adhere to these principles.

271. Defendants' actions have made it more difficult and resource-intensive for Plaintiffs to carry out their representation of individual members. Because Defendants have pressured Columbia and other universities to abandon their commitment to academic freedom, shared governance, and due process principles, Plaintiffs must now expend more time and money to ensure that their members' rights in these regards are adequately protected. In particular, AFT anticipates that it will have to make significantly more expenditures from the AFT Defense Fund to provide for the legal representation of individual members as a direct result of Defendants' actions and Columbia's capitulation to Defendants' demands.

272. Defendants' actions have also made it more difficult and resource-intensive for Plaintiffs to provide accurate and effective guidance to their chapters and members regarding these principles. Plaintiffs have had to divert staff and financial resources to address the significant influx of inquiries from chapter leaders and members regarding the effect of such actions on

members' academic freedom, shared governance, and due process rights, and to ensure that individual members are adequately represented before their university employers. In addition to responding to such individual requests, staff for Plaintiffs have had to conduct nationwide calls and virtual meetings with chapter leaders regarding Defendants' actions and how to represent individual members in the face of such actions. The AAUP has also redirected staff to be present physically on Columbia's campus to respond to Defendants' actions and Columbia's recent capitulation to Defendants' demands. The AAUP's Committee A in particular has spent countless hours speaking with members of Plaintiffs at Columbia and responding to Defendants' demand that Columbia place stricter controls on the MESAAS Department.

273. Defendants' actions have also caused a pervasive sense of fear and intimidation among Defendants' members. Because of Defendants' actions and the threats of further cuts to research funding, some AAUP/AFT members no longer feel comfortable participating in and supporting the AAUP's activities, or asserting their academic freedom, shared governance, and due process rights.

VII. Threats Beyond Columbia

274. Defendants have made clear that, while Columbia is the first school to have its funding terminated for purported Title VI violations, it will not be the last.

275. On February 3, 2025 when Defendants announced their Title VI investigation into Columbia, they also announced they were investigating four other universities.¹¹⁰

276. On February 28, 2025 the DOJ Task Force to Combat Anti-Semitism announced it would visit ten university campuses including Columbia to investigate unlawful discrimination

¹¹⁰ U.S. Department of Education, U.S. Department of Education Probes Cases of Antisemitism at Five Universities, Press Releases (Feb.3, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>, <https://perma.cc/3PBU-YYMS>.

against Jewish students and “consider[] whether remedial action is warranted.” The list of campuses included Columbia and nine others, six of which had not been named in the February 3 announcement.¹¹¹

277. In Defendants’ March 7 press release announcing the immediate cancelation of \$400 million in federal grants and contracts to Columbia University, Defendants stated in no uncertain terms that the measure was intended to send a message “to Columbia and other universities.”¹¹² The March 7 press release stated, “The decisive action by the DOJ, HHS, ED, and GSA to cancel Columbia’s grants and contracts serves as a notice to every school and university that receives federal dollars that this Administration will use all the tools at its disposal to protect Jewish students and end anti-Semitism on college campuses.”¹¹³

278. On or about March 9, Defendant Terrell appeared on Fox News and stated, “We’re going to bankrupt these universities. We’re going to take away every single federal dollar. . . . If these universities do not play ball, lawyer up, because the federal government is coming after you.”¹¹⁴

279. On March 10, as the Columbia funding withdrawal was in progress, Defendants sent letters to Columbia and 59 other universities “warning them of potential enforcement actions if they do not fulfill their obligations under Title VI of the Civil Rights Act to protect Jewish

¹¹¹ U.S. Department of Justice, Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism, Press Releases (Feb.28, 2025), <https://www.justice.gov/opa/pr/federal-task-force-combat-antisemitism-announces-visits-10-college-campuses-experienced>, <https://perma.cc/LPX4-URGP>.

¹¹² U.S. Department of Health and Human Services, *DOJ, HHS, ED, and GSA Announce Initial Cancellation of Grants and Contracts to Columbia University Worth \$400 Million*, (Mar. 7, 2025), <https://www.hhs.gov/about/news/2025/03/07/doj-hhs-ed-gsa-announce-initial-cancellation-grants-contracts-columbia-university-worth-400-million.html>.

¹¹³ *Id.*

¹¹⁴ Mark McMillan, Leo Terrell with Mark Levin- How we’ll defeat antisemitism in the USA, (March 9, 2025), <https://www.youtube.com/watch?v=NOFIKRr2Sco> (Mar. 9, 2025), <https://perma.cc/9586-B2EP>.

students on campus.”¹¹⁵ The targeted universities include a mix of private and public universities in a total of 24 states and Washington DC.

280. Defendants also issued a press release to ensure publicity concerning these letters. The press release explicitly stated that Defendants had “announced the immediate cancellation of \$400 million in federal grants and contracts to Columbia University due to the school’s continued inaction to protect Jewish students from discrimination.”¹¹⁶

281. The clear import of the press release was to threaten that all 59 other universities who received it should assume that they, too, might be subject to “immediate cancellation” of federal grants and contracts, outside of the required Title VI procedures.

282. On March 19, Defendant Terrell appeared on a podcast in which he stated, “what we did was we basically gave them noticed [sic], and we stopped providing the funding. And I’ve got news for you. To Harvard, to NYU, to Michigan, same thing’s happening to them. It’s going to happen, because we’re going to look at the numbers of federal dollars, and Hugh, it totals in the hundreds of millions of dollars. And we’re going after them.”¹¹⁷

283. The interviewer later asked, “Who’s the next target? I want it to be Harvard, and I want it to be Michigan, and I want it to be UCLA, but I don’t get to pick the targets . . . Who’s the next target?” Defendant Terrell answered, “It’s one of those three schools. I can’t disclose it right now, because I’ll get in trouble. But one of those three schools. I just gave you some breaking news.”¹¹⁸

¹¹⁵ *U.S. Department of Education, U.S. Department of Education’s Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment*, Press Releases (Mar. 10, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment>, <https://perma.cc/KK4X-39Q9>.

¹¹⁶ *Id.*

¹¹⁷ *On Crushing Anti-Semitism on Campus*, Hughniverse Podcast (Mar. 19, 2025), <https://hughhewitt.com/leo-terrell-senior-counsel-to-the-attorney-general-for-civil-rights-on-crushing-anti-semitism-on-campus>, <https://perma.cc/6YHF-VZKG>.

¹¹⁸ *Id.*

284. On March 24, 2025, Defendants HHS, ED, and GSA issued a press release applauding Columbia’s submission to the federal government’s demands and confirming Defendants’ intent to replicate their proven strategy of coercion with other universities. The press release stated, “The decisive steps the Task Force has taken with Columbia have yielded positive results that should serve as a roadmap for universities with similar problems across the country.”¹¹⁹

285. In that press release, Defendant Gruenbaum warned “[o]ther universities that are being investigated by the Task Force” that they “should expect the same level of scrutiny and swiftness of action if they don’t act to protect their students and stop anti-Semitic behavior on campus.”¹²⁰

CAUSES OF ACTION

COUNT I

First Amendment Freedom of Speech

286. Plaintiffs incorporate paragraphs 1 to 285 above as if fully set forth herein.

287. The First Amendment secures Plaintiffs’ and Plaintiffs’ members’ right to free speech and academic freedom, including the right to pursue research and express different viewpoints and political beliefs.

288. “[A]cademic freedom . . . is of transcendent value to all of us and . . . is therefore a special concern of the First Amendment.” *Keyishian*, 385 U.S. at 603. “[F]or decades it has been clearly established that the First Amendment tolerates neither laws nor other means of coercion, persuasion or intimidation ‘that cast a pall of orthodoxy’ over the free exchange of ideas in the

¹¹⁹ *Id.*

¹²⁰ U.S. Department of Health and Human Services, *HHS, ED, and GSA Respond to Columbia University’s Actions to Comply with Joint Task Force Pre-Conditions*, (Mar. 24, 2025), <https://www.hhs.gov/about/news/columbia-comply-anti-semitism-task-force-preconditions-met.html>.

classroom.” *Dube v. State Univ. of New York*, 900 F.2d 587, 598 (2d Cir. 1990) (quoting *Keyishian*, 385 U.S. at 603).

289. The First Amendment prohibits the government from using threats of legal sanction and other means of coercion to achieve the suppression of disfavored speech or academic freedom. Nor may the government coerce a private party to punish, suppress, or control speech on the government’s behalf. *See Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 190 (2024). The First Amendment likewise precludes the government from attempting to control academic thought and discourse on university campuses, and from interfering with a university’s curriculum or decisions concerning who may teach or areas of research.

290. Defendants’ actions have the purpose and effect of establishing a system of both direct and indirect censorship and content-based viewpoint discrimination against faculty and students at Columbia University. Defendants undertook such unlawful conduct with the intent to obstruct, chill, deter, and retaliate against Plaintiffs’ members’ core speech and academic freedom rights.

291. Defendants have imposed financial sanctions, threats of additional financial sanctions, and conditions on future funding with the purpose and effect of infringing on free speech and academic freedom rights. Each of these actions standing alone constitutes an independent First Amendment violation.

292. Defendants have terminated hundreds of millions of dollars in funding, including for Plaintiffs’ members’ research, without any hearing or process in violation of Title VI and without any other statutory or other legal authority. The First Amendment protects an academic’s ability to pursue research and scholarship free from arbitrary interference by the government. Independent of any other action, the unjustified halting of Plaintiffs’ members’ research and

scholarship on an unlawful basis violates the First Amendment. President Trump and Trump administration officials have threatened government retaliation for universities and students that engage in disfavored speech.

293. Defendants’ March 13 letter used the threat of further financial sanctions against the University to infringe on the core freedoms of Plaintiffs’ members as well as other faculty and students. Defendants’ unlawful threats include but are not limited to: mandating “expulsion or multi-year suspension” as punishment in student disciplinary proceedings to chill the viewpoint expressed by protesters, dictating policies for anonymous speech on campus, ordering that the University’s Middle East, South Asian, and African Studies department be placed on a system of academic receivership for a minimum of five years, and requiring a plan to reform Columbia’s admission processes, among other unlawful demands.

294. Defendants’ unlawful threats and actions infringe on the constitutional right of an academic institution “to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.” *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957) (Frankfurter, J., concurring).

295. The First Amendment also protects the right to make expressive choices about what third-party speech to host, even if the host does not agree or disagree with the particular views it opts to allow or exclude. *See, e.g., Moody v. NetChoice LLC*, 603 U.S. 707, 740 (2024) (social media platforms make “expressive choices” that receive “First Amendment protection” in “decid[ing] which third-party content [their] feeds will display” regardless of whether the platforms agree or disagree with the views at issue). Defendants’ actions infringe on Plaintiffs’ and Plaintiffs’ members rights to host and provide a forum for speech, debate, and opinion with which they do not necessarily agree or disagree.

296. Defendants’ concerted efforts to suppress disfavored expression on the University’s campus has already resulted in a sweeping chilling effect on the speech of Plaintiffs’ members as well as other faculty and students.

297. Defendants’ unlawful and intentional actions are not justified by a substantial or compelling government interest and are not narrowly tailored to serve any such interest.

COUNT II

Unconstitutional Conditions

298. Plaintiffs incorporate paragraphs 1 to 297 above as if fully set forth herein.

299. Pursuant to the “unconstitutional conditions” doctrine, “the government may not place a condition on the receipt of a benefit or subsidy that infringes upon the recipient’s constitutionally protected rights, even if the government has no obligation to offer the benefit in the first instance.” *All. for Open Soc’y Int’l, Inc. v. U.S. Agency for Int’l Dev.*, 651 F.3d 218, 231 (2d Cir. 2011).

300. In addition, “[i]n some cases, a funding condition can result in an unconstitutional burden on First Amendment rights.” *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 214 (2013).

301. Defendants have infringed and impermissibly burdened the constitutional rights of Columbia and its faculty and students, including Plaintiffs’ members, by imposing unconstitutional conditions on the receipt of federal funds.

302. Defendants’ conditions do not just “define the limits of the government spending program” by “specify[ing] the activities [the government] wants to subsidize”; rather, they seek to “leverage funding” to regulate unrelated aspects of campus life, including activities protected by the First Amendment, “outside the contours” of any discrete federal program. *See id.* at 214–15.

303. Plaintiffs and Plaintiffs’ members have been, and are being, harmed by Defendants’ actual and threatened imposition of unconstitutional conditions on the receipt of federal funding.

COUNT III

APA – Procedural Violations with respect to March 7, 2025 Funding Withdrawal

304. Plaintiffs incorporate paragraphs 1 to 303 above as if fully set forth herein.

305. Plaintiffs and their members are persons who have suffered legal wrong as a result of, and have been adversely affected or aggrieved by, Defendants’ March 7, 2025 withdrawal of funds for purposes of 5 U.S.C. § 702 and 42 U.S.C. § 2000d-2.

306. Defendants’ March 7 funding withdrawal constitutes “[a]gency action made reviewable by statute” under 5 U.S.C. § 704 and 42 U.S.C. § 2000d-2, as well as “final agency action for which there is no other adequate remedy in a court” under 5 U.S.C. § 704, and is therefore subject to judicial review. 5 U.S.C. §§ 702, 704. The cancelation of grants and contracts is the ultimate step in the Title VI enforcement process and alters the rights and obligations of the parties with respect to the terms of those grants and contracts, with legal and concrete consequences for Columbia, Plaintiffs, and Plaintiffs’ members.

307. The APA directs courts to hold unlawful and set aside agency actions that are found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

308. The APA further directs courts to hold unlawful and set aside agency actions that are without observance of procedure required by law. *Id.* § 706(2)(D).

309. No lawful grant or contract condition authorized the March 7 funding withdrawal. Nothing in Title VI, Title VII, or any other law authorized the funding withdrawal.

310. Section 602 and applicable, binding regulations with the force of law set forth procedural requirements that must be followed in order to terminate federal funding for alleged

noncompliance with Title VI's substantive requirements. *See, e.g.*, 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.6 (ED); 45 C.F.R. §§ 80.6–80.11 (HHS); 28 C.F.R. §§ 42.106–111 (DOJ); 41 C.F.R. §§ 101–6.211–3, 101–6.212–1 to –4, 101–6.213–1 to –7, 101–6.214 (GSA).

311. Because Defendants failed to follow these requirements before terminating funding to the University on March 7, Defendants' actions were contrary to law, arbitrary and capricious, and without observance of procedure required by law.

312. Prior to the March 7 funding withdrawal, Defendants did not provide an opportunity for a hearing or make an express finding on the record as to the University's alleged noncompliance with Title VI. Nor did any "responsible Department official" determine that the University's compliance could not be secured by voluntary means. Moreover, no head of any Federal department or agency filed with any committees of the House and Senate a "full report of the circumstances and the grounds" for the action terminating or refusing to grant or continue federal assistance to the University because of a failure to comply with Title VI. Nor did thirty days elapse after the filing of any such report. *See, e.g.*, 42 U.S.C. § 2000d-1; 34 C.F.R. § 100.8(c); 45 C.F.R. § 80.8(c); 28 C.F.R. § 42.108(c); 41 C.F.R. § 101-6.211-3.

313. Prior to the March 7 funding withdrawal, no "responsible Department official or his designee" sought to resolve the University's alleged violations of Title VI through informal means, even though such informal resolution may have been possible. *See, e.g.*, 34 C.F.R. § 100.7(d); 45 C.F.R. § 80.7(d); 28 C.F.R. § 42.107(d); 41 C.F.R. § 101–6.210–4(a).

314. Prior to the March 7 funding withdrawal, Defendants did not provide notice of a hearing or conduct any hearing, much less conduct a hearing that conforms with their own regulations or sections 5–8 of the APA. *See, e.g.*, 34 C.F.R. § 100.9; 45 C.F.R. § 80.9; 28 C.F.R. § 42.109; 41 C.F.R. §§ 101–6.212–1, 101–6.212–4.

315. Prior to the March 7 funding withdrawal, Defendants failed to provide the University with a reasonable opportunity to file briefs or other written statements of its contentions and further failed to issue a decision consistent with the applicable regulations before terminating funding on March 7. *See, e.g.*, 34 C.F.R. § 100.10; 45 C.F.R. § 80.10; 28 C.F.R. 42.110; 41 C.F.R. § 101-6.213-1 to -4.

316. Defendants did not limit the March 7 funding withdrawal to any particular program, or part thereof, in which noncompliance has been found. Nor was such withdrawal limited in its effect to any particular program, or part thereof, in which noncompliance has been found. *See, e.g.*, 42 U.S.C. § 2000d-1; § 34 C.F.R. § 100.8(c); 45 C.F.R. § 80.8(c); 28 C.F.R. § 42.108(c); 41 C.F.R. § 101-6.211-3.

317. Defendants' March 7 funding withdrawal is not authorized by any law, and no department or agency determined that compliance could not be secured by voluntary means prior to initiating the March 7 funding withdrawal.

318. The Department of Education has promulgated a Case Processing Manual for the Office of Civil Rights that binds the agency to follow certain procedures governing investigations and enforcement actions arising under Title VI. The Department of Education failed to follow these binding procedures before withdrawing funding from the University on March 7, and such action must therefore be set aside as arbitrary and capricious. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). For example, the Case Processing Manual requires issuing letters of notification to the University upon opening an investigation, issuing a letter of finding and seeking to negotiate a resolution agreement within 90 days upon finding noncompliance, and issuing an impasse letter if the negotiations are unsuccessful containing particular information. But

prior to the March 7 funding withdrawal, Defendant ED failed to take any of these steps required by its own regulations.

COUNT IV

APA – Substantive Violations with respect to March 7, 2025 Funding Withdrawal

319. Plaintiffs incorporate paragraphs 1 to 318 above as if fully set forth herein.

320. Plaintiffs and their members are persons who have suffered legal wrong as a result of, and have been adversely affected or aggrieved by, Defendants’ March 7, 2025 withdrawal of funds for purposes of 5 U.S.C. § 702 and 42 U.S.C. § 2000d-2.

321. Defendants’ action in terminating the grants and contracts at issue constitutes “[a]gency action made reviewable by statute” under 5 U.S.C. § 704 and 42 U.S.C. § 2000d-2, as well as “final agency action for which there is no other adequate remedy in a court” under 5 U.S.C. § 704, and is therefore subject to judicial review. 5 U.S.C. §§ 702, 704. The cancelation of grants and contracts is the ultimate step in the Title VI enforcement process and alters the rights and obligations of the parties with respect to the terms of those grants and contracts, with legal and concrete consequences for Columbia, Plaintiffs, and Plaintiffs’ members.

322. The APA directs courts to hold unlawful and set aside agency actions that are found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

323. Agency action is arbitrary or capricious where it is not “reasonable and reasonably explained.” *Ohio v. EPA*, 603 U.S. 279, 292 (2024). This standard requires that agencies provide “a satisfactory explanation for its action[,] including a rational connection between the facts found and the choice made.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quotation omitted). An action is also arbitrary and capricious if the agency

“failed to consider . . . important aspect[s] of the problem.” *Dep’t of Homeland Sec. v. Regents of the Univ. of Calif.*, 591 U.S. 1, 25 (2020).

324. Defendants’ action of “immediate cancellation of approximately \$400 million in federal grant and contracts to Columbia University” was arbitrary and capricious because that decision was not objectively reasonable and Defendants failed to provide a reasoned explanation for that decision.

325. Defendants’ press release—the only public record of Defendants’ action—failed to provide any reasoned explanation regarding whether Columbia had “fail[ed] to comply” with any specific requirement of Title VI or its implementing regulations that would justify termination of assistance under 42 U.S.C. §2000d-1.

326. On information and belief, Defendants also failed to provide any reasoned explanation for the particular sanction imposed on Columbia, and failed to provide any reasoned explanation as to whether any purported Title VI violations had been found to have occurred in any of the programs or activities that were the recipients of the \$400 million in summarily terminated funds. Title VI requires that termination of funding be “limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.” 42 U.S.C. § 2000d-1. Contrary to this requirement, Defendants terminated “\$400 million” in federal grants and contracts—the same amount that now-President Trump tried to demand from Columbia in real estate negotiations back in 2000, then as a private real estate developer—without any explanation of whether those grants and contracts had any relation to the programs (or parts of programs) in which the unidentified Title VI violation or violations occurred, or of why those grants and contracts in particular were targeted for termination. Nor did Defendants identify any statutory or contractual basis for canceling these unspecified grants and contracts. Any rationale asserted by

Defendants for canceling these grants and contracts is pretextual, unsupported, and offers no legitimate basis for Defendants' actions.

327. Defendants' action was also arbitrary and capricious because Defendants failed to identify any legal authority for the "immediate cancellation" of funds to Columbia in violation of the detailed procedural requirements set out by Title VI and Defendants' implementing regulations. *Supra* ¶¶ 304–318.

328. Defendants' action was arbitrary and capricious for the further reason that they failed to consider or address the enormous reliance interests implicated by Defendants' cancellation of hundreds of millions of dollars of funds supporting critical research and other activities. *See, e.g.*, 28 C.F.R. § 50.3(a) (acknowledging reliance interests in federal funding subject to Title VI). Nor did Defendants address or consider any of the significant harms that will unavoidably flow from this cancellation of funds.

329. The APA also directs courts to hold unlawful and set aside agency actions that are found to be "in excess of statutory jurisdiction, authority, or limitations[.]" 5 U.S.C. § 706(2)(C).

330. Defendants' conduct in "immediately cancelling" \$400 million in grant and contract funding was action in excess of Defendants' statutory authority. Besides violating virtually all of the procedural requirements set forth by Title VI and Defendants' own regulations, Defendants' actions also exceed their substantive statutory authority by terminating federal funding to Columbia without any finding of a violation of Title VI's substantive guarantees, and on the basis of vague and conclusory statements regarding "continued inaction" articulated in a press release. Defendants' termination of funds is also fundamentally overbroad in light of Defendants' failure to tie the \$400 million in canceled funding to any particular program or part of a program that is out of compliance with Title VI. *See* 42 U.S.C. §2000d-1.

331. The APA also directs courts to hold unlawful and set aside agency actions that are contrary to constitutional rights. 5 U.S.C. § 706(2)(B).

332. Defendants’ termination of \$400 million in grant and contract funding without any statutory basis is unconstitutionally coercive and seeks to obstruct, chill, deter, and retaliate against Plaintiffs members’ fundamental First Amendment rights of free speech and academic freedom (*see supra* ¶¶ 286–297), and is thus contrary to constitutional rights, in violation of 5 U.S.C. § 706(2)(B).

333. Defendants’ termination of \$400 million in grant and contract funds without statutorily required or other reasonable notice and an opportunity to be heard is contrary to Plaintiffs’ members’ constitutional due process rights, in violation of 5 U.S.C. § 706(2)(B).

COUNT V

APA – Procedural Violations with respect to March 13, 2025 Letter

334. Plaintiffs incorporate paragraphs 1 to 333 above as if fully set forth herein.

335. Plaintiffs and their members are persons who have suffered legal wrong as a result of, and have been adversely affected or aggrieved by, Defendants’ March 13, 2025 Letter for purposes of 5 U.S.C. § 702 and 42 U.S.C. § 2000d-2.

336. Defendants’ March 13, 2025 Letter constitutes “[a]gency action made reviewable by statute” under 5 U.S.C. § 704 and 42 U.S.C. § 2000d-2, as well as “final agency action for which there is no other adequate remedy in a court” under 5 U.S.C. § 704, and is therefore subject to judicial review. 5 U.S.C. §§ 702, 704; 42 U.S.C. § 2000d-2 (providing judicial review for actions “refusing to grant or to continue financial assistance” under Title VI). Given the enormity of the funding cuts Defendants had already summarily imposed on Columbia, and the billions more they were threatening to impose—threatening, in Defendants’ words, to “bankrupt” Columbia—Defendants’ letter imposed conditions on Columbia that Columbia was forced to comply with by

Defendants' one-week deadline. Defendants' March 24, 2025 Letter confirmed the legally binding effect of the March 13 Letter, describing the March 13 Letter's demands as the "Trump Administration's requirements" and "9 preconditions for formal negotiations to restore canceled federal grants and contracts."

337. The APA directs courts to hold unlawful and set aside agency actions that are found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

338. The APA further directs courts to hold unlawful and set aside agency actions that are without observance of procedure required by law. 5 U.S.C. §706(2)(D).

339. Defendants' March 13, 2025 Letter, which followed soon after Defendants' cancelation of \$400 million in funding for Columbia, imposed a March 20, 2025 deadline for "ensur[ing] and document[ing] compliance" with a host of substantive requirements that the letter stated were "a precondition for formal negotiations regarding Columbia University's continued financial relationship with the United States government." Defendants reiterated in the March 13 Letter that they "expect[ed] [Columbia's] immediate compliance with these critical next steps." By its terms, the March 13 Letter conveyed to Columbia that compliance with the demands stated therein was a "precondition" for any "continued" federal funding, and thus conveyed that failure to comply with those demands would result in the total discontinuation of federal financial assistance to Columbia, which Defendants stated in their March 7 funding freeze announcement totals more than \$5 billion.

340. Title VI and applicable, binding regulations that have the force of law set forth procedural requirements that must be followed before a federal agency may "refus[e] to grant or to continue assistance" under a program or activity for alleged noncompliance with Title VI's

substantive requirements. 42 U.S.C. § 2000d-1; *see* 34 C.F.R. § 100.8; 45 C.F.R. § 80.8(c); 28 C.F.R. § 42.108(c); 41 C.F.R. § 101-6.211-3.

341. Defendants failed to follow these requirements before refusing to grant or to continue assistance to Columbia absent the University’s compliance with their demands. Defendants also did not limit their refusal to grant or to continue assistance, and did not limit the effect of their refusal to grant or to continue assistance, to only the particular program, or part thereof, as to which there had been an express finding on the record of noncompliance, after opportunity for hearing. No other law authorizes Defendants’ refusal to grant or continue federal financial assistance. Defendants’ March 13 Letter therefore was contrary to law, arbitrary and capricious, and without observance of procedure required by law in violation of 42 U.S.C. § 2000d-1.

COUNT VI

APA – Substantive Violations with respect to March 13, 2025 Letter

342. Plaintiffs incorporate paragraphs 1 to 341 above as if fully set forth herein.

343. Plaintiffs and their members are persons who have suffered legal wrong as a result of, and have been adversely affected or aggrieved by, Defendants’ March 13, 2025 Letter for purposes of 5 U.S.C. § 702 and 42 U.S.C. § 2000d-2.

344. Defendants’ March 13, 2025 Letter constitutes “[a]gency action made reviewable by statute” under 5 U.S.C. § 704 and 42 U.S.C. § 2000d-2, as well as “final agency action for which there is no other adequate remedy in a court” under 5 U.S.C. § 704, and is therefore subject to judicial review. 5 U.S.C. §§ 702, 704; 42 U.S.C. § 2000d-2.

345. The APA directs courts to hold unlawful and set aside agency actions that are found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

346. The APA further directs courts to hold unlawful and set aside agency actions that are contrary to constitutional rights. 5 U.S.C. § 706(2)(B).

347. The APA further directs courts to hold unlawful and set aside agency actions that are found to be “in excess of statutory jurisdiction, authority, or limitations[.]” 5 U.S.C. § 706(2)(C).

348. Defendants’ March 13, 2025 Letter, which followed soon after Defendants’ cancelation of \$400 million in funding for Columbia, imposed a March 20, 2025 deadline for “ensur[ing] and document[ing] compliance” with a host of substantive requirements that the letter stated were “a precondition for formal negotiations regarding Columbia University’s continued financial relationship with the United States government.” Defendants reiterated in the March 13 Letter that they “expect[ed] [Columbia’s] immediate compliance with these critical next steps.” As a result of these obligations imposed on Columbia, Columbia agreed on March 21, 2025 to take a host of actions implementing Defendants’ demands in order to meet the “precondition for formal negotiations” regarding continued federal funding established by Defendants’ letter.

349. The March 13 Letter was contrary to law and exceeded Defendants’ statutory authority. The March 13 Letter cites Title VI and Title VII of the Civil Rights Act of 1964 as its sole sources of authority. But neither Title VI, Title VII, nor any other law grants Defendants the authority, for example, to demand “expulsion or multi-year suspension” of particular students; or to dictate a fundamental restructuring of a university’s disciplinary system; or to require unspecified “comprehensive admissions reform”; or to mandate putting a particular academic department in “academic receivership.” Defendants’ letter cited no authority for making such demands, whether as a “precondition for formal negotiations” or otherwise. In addition, these demands taken together represent a wholesale incursion by the federal government into virtually

every aspect of university policy and operations—from admissions, to academics, to student life, to discipline, to human resources, to campus security. Nothing in Title VI, Title VII, or any other law authorizes such an unprecedented and unjustified step.

350. The March 13 Letter was also arbitrary and capricious. The letter failed to provide a factual or legal basis for any of the conditions it imposed on Columbia. In many cases—such as the demand to “Deliver a plan for comprehensive admissions reform”—it failed to even explain what the nature of its demand was, much less the basis for the demand. Nor did the letter draw any connection between these conditions and any purported noncompliance with Title VI’s requirements by Columbia or any component of the University.

351. The March 13 Letter was also unconstitutionally coercive and sought to obstruct, chill, deter, and retaliate against Plaintiffs’ members’ fundamental First Amendment rights of free speech and academic freedom (*see supra* ¶¶ 286–297), and was thus contrary to constitutional rights.

COUNT VII

Separation of Powers / Ultra Vires - March 7, 2025 Funding Withdrawal

352. Plaintiffs incorporate paragraphs 1 to 351 above as if fully set forth herein.

353. Plaintiffs have a non-statutory right of action to enjoin and declare unlawful official action that is ultra vires.

354. The Constitution vests the legislative power, including the spending power and the authority to place conditions on federal spending, in Congress. U.S. Const., art. I. Federal legislation must be passed by both chambers of Congress before it may be presented to the President, and, if signed, become law. *Id.*; *I.N.S. v. Chadha*, 462 U.S. 919, 951 (1983).

355. The Constitution vests executive power in the President, U.S. Const., art. II, and imposes on the President a duty to “take Care that the Laws be faithfully executed.” U.S. Const. art. II, § 3.

356. The President and Executive Branch have no constitutional power to unilaterally enact, amend, or repeal parts of duly enacted statutes. *Clinton v. City of New York*, 524 U.S. 417, 438–39 (1998). The declared purpose of separating and dividing the powers of government was to “diffuse[] power the better to secure liberty.” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring); *see also Bowsher v. Synar*, 478 U.S. 714, 721–22 (1986) (“Justice Jackson’s words echo the famous warning of Montesquieu, quoted by James Madison in The Federalist No. 47, that ‘there can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates’” The Federalist No. 47, p. 325 (J. Cooke ed. 1961).”).

357. Congress exercised its Article I legislative and spending authority to authorize the federal grants and contracts that Defendants canceled in the March 7, 2025 Funding Withdrawal.

358. Congress also exercised its authority to adopt the carefully defined rules and procedures set forth in Title VI that set forth the procedural requirements for termination of federal financial assistance. Defendants did not comply with these statutory requirements before summarily terminating \$400 million in federal funding. *Supra* ¶¶ 304–318.

359. Neither Title VI nor any other statutory provision authorized the Executive Branch to cancel the federal grants and contracts in the March 7 Funding Withdrawal.

360. No provision of the Constitution authorizes the Executive Branch to enact, amend, or repeal statutes, including both Title VI and appropriations approved and signed into law.

361. Defendants’ immediate cancelation of federal grants and contracts in the March 7 Funding Withdrawal was not authorized by statute, overrode the direct Congressional authorization of federal funding, and overrode the express statutory limitations in Title VI that Congress has placed on the cancelation of duly authorized federal funding.

362. Defendants’ actions were not authorized by any Article II Executive power, because no Article II constitutional power authorizes Defendants to cancel duly authorized federal funding on grounds not authorized by statute.

363. Therefore, Defendants’ cancelation of federal grants and contracts were actions taken without legal authority and are ultra vires.

COUNT VIII

Separation of Powers / Ultra Vires – March 13, 2025 Letter

364. Plaintiffs incorporate paragraphs 1 to 363 above as if fully set forth herein.

365. Plaintiffs have a non-statutory right of action to enjoin and declare unlawful official action that is ultra vires.

366. Congress exercised its Article I legislative and spending authority to authorize the federal grants and contracts that the March 13, 2025 Letter declares will be canceled or otherwise not renewed if Columbia University does not comply with Defendants’ sweeping demands as a “precondition for formal negotiations regarding Columbia University’s continued financial relationship with the United States government.”

367. None of the funds received by Columbia University have a congressionally authorized condition requiring them to comply with any of the demands in the March 13, 2025 Letter.

368. Nor does Title VI or any other statute require Columbia to comply with the demands in the March 13, 2025 Letter. The demands in the March 13, 2025 Letter are not necessary to ensure compliance with Title VI's nondiscrimination requirements.

369. Congress also exercised its authority to adopt the carefully defined rules and procedures set forth in Title VI that set forth the procedural requirements for refusal to grant or to continue federal financial assistance. Defendants did not comply with these statutory requirements before refusing to grant or continue federal financial assistance to Columbia absent the University's compliance with the demands set forth in the March 13 letter. *Supra* ¶¶ 304–318. None of the demands in the March 13, 2025 Letter are limited to the particular program, or part thereof, in which an express finding of noncompliance has been found on the record, after the opportunity for a hearing.

370. The March 13, 2025 Letter, which conditions federal funds by Columbia University on compliance with demands that are not necessary to ensure compliance with Title VI's prohibition on discrimination, is an unconstitutional usurpation of the spending power of Congress, an unconstitutional effort to amend Congressional appropriations by attaching conditions not contemplated by Congress, and a violation of the separation of powers. It is therefore ultra vires.

COUNT IX

Fifth Amendment Due Process Clause

371. Plaintiffs incorporate paragraphs 1 to 370 above as if fully set forth herein.

372. The Due Process Clause of the Fifth Amendment to the United States Constitution requires due process of law before the deprivation of a constitutionally protected interest.

373. Plaintiffs' members have constitutionally protected property interests in grant and contract funding that supports their salaries and stipends, as well as in their ongoing research. Plaintiffs' members have relied on this funding, and the protections of federal law governing this

funding, in pursuing their research, hiring staff, making commitments to research partners, and in many other ways. Plaintiffs’ members also have constitutionally protected liberty interests in their freedom of speech and expression, including academic freedom, and in pursuing their livelihoods.

374. Defendants did not provide the university or Plaintiffs’ members fair notice or a reasonable opportunity to be heard before they decided to immediately terminate \$400 million in federal funding at Columbia, including funding on which Plaintiffs’ members rely for their work.

375. Title VI outlines procedural safeguards and substantive criteria for the recission of funds. *Supra* ¶¶ 116–161, 304–318. Defendants failed to comply with those safeguards and criteria, and thereby violated Plaintiffs’ members’ right to due process of law.

376. The Due Process Clause also prohibits government actions that fail to give fair notice of what conduct is forbidden or required.

377. Defendants’ March 7 Funding Withdrawal announced the termination of \$400 million in federal funding and stated that “[t]hese cancellations represent the first round of action and additional cancellations are expected to follow.” Yet the announcement invoked only Columbia’s “continued inaction” regarding antisemitism on campus—an unconstitutionally vague standard for determining whether grants and contracts should be terminated—and did not tie the cancelation of grants and contracts to specific alleged acts or omissions, much less specific conduct reasonably related to the grants and contracts at issue. Nor did the announcement provide any adequate notice to Plaintiffs’ members or to Columbia regarding what conduct was forbidden or required to avoid the threatened “additional cancellations.”

COUNT X

Tenth Amendment & Spending Clause

378. Plaintiffs incorporate paragraphs 1 to 377 above as if fully set forth herein.

379. The Tenth Amendment provides: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” U.S. Const. amend. X.

380. As the text of the Tenth Amendment makes clear, the Constitution created a federal government of limited and enumerated powers. *See NFIB v. Sebelius*, 567 U.S. 519, 533-34 (2012) (opinion of Roberts, C.J.) (“In our federal system, the National Government possesses only limited powers; the States and the people retain the remainder.”).

381. No provision of the Constitution delegates to the federal government the power to take over day-to-day management of a private or state university or to control core aspects of its academic mission. For example, the federal government’s limited powers do not include the authority to determine, in lieu of a private or state university’s administration, whether:

- a. to place a particular department of study under an “academic receivership”;
- b. to “hold student groups accountable for ... providing support” for “unrecognized groups”;
- c. to empower or require campus security officers (not federal law-enforcement officers) to effectuate the “arrest and removal of agitators who,” as federal officials see it, “interfere with classroom instruction or the functioning of the university”;
- d. to expel or suspend students alleged to have violated particular university policies while engaged in a protest held on campus property; or
- e. to “[a]bolish” a private or state university’s judicial board, “centralize all disciplinary processes under the” office of the university president, and “empower” that office—rather than the adjudicatory body created by the university to administer

discipline—“to suspend or expel students with an appeal process” controlled by the university’s executive arm.

382. “The Spending Clause of the Federal Constitution ... provides Congress broad discretion to tax and spend for the ‘general Welfare,’ including by funding particular state or private programs or activities.” *Agency for Int’l Dev.*, 570 U.S. at 213.

383. “That power includes the authority to impose limits on the use of such funds to ensure they are used in the manner Congress intends.” *Id.* However, the federal government cannot use funding limits to circumvent constitutional constraints on the scope of federal power, such as those imposed by the First and Tenth Amendments. *See id.* at 214; *NFIB*, 567 U.S. at 575-81 (opinion of Roberts, C.J.).

384. Federal attempts to regulate via purported funding inducements raise heightened constitutional concerns when, as here, the amount of funding at issue is so large as to be coercive, purported funding conditions are not tied to particular programs directly utilizing those funds, and program recipients are unfairly surprised by post-acceptance or “retroactive” conditions. *See NFIB*, 567 U.S. at 580-81, 584 (explaining that a purported “financial inducement” to participate in a federal program exceeds the scope of the federal government’s Spending Clause power where it is “so coercive as to pass the point at which ‘pressure turns into compulsion,’” and concluding that the inducement there at issue was unconstitutionally coercive because, as a practical matter, it resembled “a gun to the head” instead of offering “relatively mild encouragement” to adopt and implement a federal regulatory program).

385. Thus, even if Congress had authorized Defendants’ ongoing attempt to effectively seize control of Columbia University, backed up by overt threats to summarily and indiscriminately terminate billions of dollars in funding en masse, any such coercion contravenes

the principle of federalism embodied in the Tenth Amendment and exceeds the scope of the federal government's authority under the Spending Clause.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

- A. Declare unlawful and set aside Defendants' termination of federal financial assistance to Columbia University announced on March 7, 2025;
- B. Declare unlawful and set aside the demands set forth in Defendants' March 13, 2025 Letter;
- C. Declare that Defendants' cancelation of federal grants without observance of Title VI's statutory and regulatory requirements and imposition of demands upon threat of withholding future federal funding violate the First, Fifth, and Tenth Amendments to the United States Constitution, violate the separation of powers, are ultra vires, and constitute an unconstitutional condition on federal financial assistance;
- D. Enter a preliminary and permanent injunction requiring Defendants to immediately reinstate or restore all grants and contracts to Columbia University and Plaintiffs' members that were unlawfully terminated, canceled, or paused, and prohibiting Defendants, their agents, representatives, employees and servants and all persons and entities in concert or participation with them from:
 - (i) Terminating, canceling, pausing, issuing stop-work orders, or otherwise interfering with grants or contracts purportedly in response to Title VI violations, except pursuant to the processes required by Title VI and its implementing regulations;
 - (ii) Engaging in any purported Title VI investigation involving grants or contracts except in compliance with Title VI, its implementing regulations, the APA, and the Constitution of the United States; or
 - (iii) Enforcing the demands made in Defendants' letter dated March 13, 2025, or from insisting on the fulfillment of any or all of those demands or any other demands as a precondition for providing any benefit or avoiding any sanction under Title VI, except upon findings required by, and pursuant to the processes required by, Title VI and its implementing regulations.

- E. Award damages, including compensatory and nominal damages, to redress the deprivation by Defendants of the rights secured to Plaintiffs and their members under the Constitution and laws of the United States;
- F. Award Plaintiffs their reasonable attorneys' fees and costs in accordance with law; and
- G. Award such other relief as the Court deems just and proper.

Dated: March 25, 2025

Respectfully submitted,

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**Pro hac vice* application forthcoming

Counsel for Plaintiffs

**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 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 also previously held various leadership roles for the Rutgers University chapter of AAUP, including as the chapter’s President and Vice President.

2. I am also a trained anthropologist and an Associate Professor of Journalism and Media Studies at Rutgers. I received my Ph.D. in Anthropology and Social and Cultural Foundations of Education from the University of Pennsylvania.

3. I have personal knowledge of the facts set forth in this 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.

4. The AAUP is a membership association and labor union of faculty and academic professionals with chapters at colleges and universities throughout the country.

5. The AAUP is a 501(c)(6) organization headquartered in Washington, D.C.

6. The AAUP became an affiliated national regional council of the American Federation of Teachers (“AFT”) on August 1, 2022. As a result of that affiliation, all AAUP members are also AFT members, with the full rights and privileges of all AFT members.

7. The primary mission of the AAUP is to advance academic freedom and shared governance in higher education, define fundamental professional values and standards for higher education, promote the economic security of academic workers, and ensure higher education’s contribution to the common good.

8. The AAUP was founded by John Dewey and other preeminent scholars in 1915 to defend the ability of scholars, researchers, and educators to teach, write, and research without political and economic retaliation based on their viewpoints. Since its founding, the AAUP has helped to shape American higher education by developing the standards and procedures that maintain quality in education and academic freedom in this country’s colleges and universities.

Harms to AAUP’s Members

9. The AAUP has approximately 44,000 members on college and university campuses across the country, including approximately 254 members at Columbia University. Many of these members, including members at Columbia, rely on federal grants to support their research, scholarship, and teaching activities.

10. I am aware of and can identify AAUP members who have lost funding as a result of the federal government’s cancellation of \$400 million in federal funding to Columbia University announced March 7, 2025. Those AAUP members have suffered and are continuing to suffer

irreparable harm to their research, work, reputation, and ability to pursue their careers and work as a result of those funding cancelations.

11. I am aware of and can identify AAUP members who rely on federal funding that the federal government threatened to cancel in its March 13, 2025 letter to Columbia University demanding certain concessions as a precondition for continuing Columbia's financial relationship with the federal government. Many of those AAUP members are suffering harm as a direct result of that threat, including because the continued viability of their work is now uncertain, making it difficult to plan, maintain professional relationships, and recruit potential staff to work on their projects. Those AAUP members will also suffer irreparable harm to their research, work, reputation, and ability to pursue their careers and work if the federal government cancels that funding.

12. I am aware of and can identify AAUP members at Columbia University who are concerned about losing their jobs or ability to continue to support their livelihoods, either as a direct result of the Trump Administration's cancelation of approximately \$400 million in federal grants and contracts to Columbia University, or because they fear they may be let go by Columbia if they engage in speech the Trump Administration disfavors as Columbia seeks to placate the Trump Administration and encourage it not to carry out its threats to cancel additional federal funding, and who now feel limited in what they can say in and outside the classroom for fear of the loss of additional funding to themselves or the University.

13. I am aware of and can identify AAUP members at Columbia University who have started to self-censor their language both inside and outside the classroom following the Trump Administration's decision to cancel \$400 million in funding to Columbia University without following applicable statutory requirements or other law and its threats to cancel additional federal

funding. These members fear that they may face backlash from Columbia and may lose their jobs as a result of exercising their academic freedom.

14. I am also aware of and can identify AAUP members at other colleges and universities who are similarly concerned about losing their jobs or ability to support their livelihoods, and who now feel limited in what they can say in and outside the classroom for fear of the Trump Administration summarily canceling federal funding to their programs, universities, or colleges without following applicable statutory requirements or other law in the same way that the Trump Administration has canceled funding at Columbia and threatened to cancel additional federal funding at Columbia and at numerous other universities and colleges.

Harms to AAUP as an Organization

15. The Trump administration's cancellation of \$400 million in federal funding to Columbia University and demands that Columbia take additional steps as a "precondition" for any continued federal financial assistance to the University have harmed and are continuing to harm AAUP as an organization.

16. As noted above, the primary mission of the AAUP is to advance academic freedom and shared governance in higher education, define fundamental professional values and standards for higher education, promote the economic security of academic workers, and ensure higher education's contribution to the common good. The Trump administration's summary cancellation of \$400 million dollars at Columbia and threats to cancel more federal funding at Columbia and other universities and colleges are directly impairing the AAUP's mission.

17. As part of its core activities, the AAUP regularly consults, works with, and represents local chapters and individual members regarding academic freedom, shared

governance, and other issues involving the employment relationship between AAUP members and their university employers, including but not limited to collective bargaining.

18. For example, the AAUP maintains a standing committee, known as Committee A on Academic Freedom and Tenure, which “[p]romotes principles of academic freedom, tenure, and due process in higher education through the development of policy documents and reports relating to these subjects and the application of those principles to particular situations that are brought to its attention.”

19. The AAUP also conducts investigations of individual complaints of institutions violating academic freedom principles in relationship to AAUP members, issues reports of the results of some of those investigations, and advocates with those institutions to seek to remedy such violations and prevent future violations from occurring. Such investigations are authorized by the AAUP Executive Director, and conducted by a subcommittee appointed by the Executive Director.

20. Through its local chapters, including the Columbia AAUP chapter, the AAUP also provides for the representation of individual members regarding academic freedom, shared governance, and due process issues in proceedings before their university employers. Columbia AAUP members in the Middle Eastern, South Asian and African Studies (“MESAAS”) Department are entitled to such representation. The AAUP has diverted internal resources of staff time and expenses to assist Columbia members in the MESAAS Department and other departments prepare to respond to the Trump Administration’s demands that the MESAAS Department be put under academic receivership, and to respond to the internal governance steps Columbia has announced it is taken with respect to the MESAAS Department and other academic departments in response to the Trump Administration demand.

21. I understand that Title VI and its implementing regulations require the government to provide notice and 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 understand that the government did not provide notice, or hold any hearing or provide any opportunity to be heard, before terminating \$400 million in federal funding to Columbia and did not provide notice, or hold any hearing or provide any opportunity to be heard, before announcing that Columbia's compliance with the demands in the government's March 13, 2025 letter was a "precondition for formal negotiations regarding Columbia University's continued financial relationship with the United States government." If the government had provided notice and held a hearing as required, both the AAUP and individual AAUP members would have sought to participate in that hearing directly or as amici curiae, as permitted by the applicable regulations, to protect the federal funding supporting the work of AAUP members at Columbia and to protect the principles of academic freedom, due process, and shared governance that are at the core of the AAUP's mission.

22. The Trump administration's March 7 cutoff of funding to Columbia; its related public statements on March 7, March 13, and March 24; and other public statements made by government officials disrupt and frustrate the AAUP's efforts to secure principles of academic freedom, shared governance, and due process at Columbia and elsewhere.

23. The government's actions and statements have made it more difficult and resource-intensive for the AAUP to carry out its representation of chapters and individual members, in particular on issues of academic freedom. Because of government pressure on Columbia and other universities to abandon their commitment to academic freedom, shared governance, and due

process principles, the AAUP must now expend more time and money to ensure that its members' rights in these regards are protected.

24. The Trump Administration's funding cancelation and threats to cancel more funding at Columbia and other universities and colleges also make it harder for the AAUP to achieve its goals of promoting academic freedom, shared governance, and due process principles in part because Columbia has taken steps in direct response to the Trump Administration's actions to undermine those principles, and Columbia and other higher educational institutions are less willing now to protect those principles in the face of threatened funding cuts from the federal government. The Trump administration has directly impaired the AAUP's mission by pressuring Columbia to curtail speech and academic freedom on campus.

25. For example, in response to the significant influx of inquiries from chapter leaders and members regarding the effect of the government's actions on members' academic freedom, shared governance, and due process rights, and to ensure that individual members are adequately represented before their university employers, AAUP staff have had to conduct nationwide calls and virtual meetings with chapter leaders regarding the government's actions and how to represent individual members in the face of such actions.

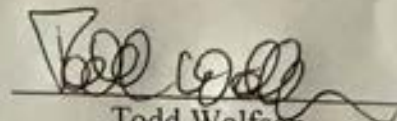
26. The AAUP has also redirected staff to be present physically on Columbia's campus to speak with chapter leaders and members regarding how to respond to the government's actions and Columbia's March 20, 2025 capitulation to the government's demands.

27. The AAUP's Committee A in particular has spent countless hours speaking with AAUP members at Columbia regarding the government's demand that Columbia place stricter controls on the MESAAS Department.

28. The government's actions and statements have also caused a pervasive sense of fear and intimidation among AAUP members. Because of the government's conduct and the threats of further cuts to research funding, I am aware that some AAUP members no longer feel comfortable participating in and supporting the AAUP's activities, or asserting their academic freedom, shared governance, and due process rights. As just some examples, in direct response to the government's cuts of federal funding to Columbia and threats to cut additional federal funding to Columbia and to other universities, some AAUP members at universities across the country have cancelled conferences, pulled papers set for publication, decided not to teach classes or certain topics within those classes that may be perceived as being at odds with the Trump administration's preferred viewpoints, stopped attending talks, refrained from attending lawful protests, and stepped down from their AAUP chapter board.

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 31 day of March 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

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.
2. I serve as the Director of Higher Education at the American Federation of Teachers ("AFT"), one of the plaintiffs in this lawsuit. In this capacity, I lead the Higher Education department, which oversees AFT's initiatives addressing issues that impact our members in higher education.
3. The AFT is a national labor organization headquartered in Washington, D.C., representing over 1.8 million members who are employed as higher education faculty and professional staff; pre-K through 12th-grade teachers, early childhood educators, paraprofessionals, and other school-related personnel; federal, state, and local government employees; and nurses and other healthcare professionals.

4. The AFT's mission statement is: The AFT is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

5. The AFT represents more than 200,000 members who are academic workers, including full-time and part-time faculty, academic professionals, and graduate employees, at public and private colleges and universities across all 50 states. The AFT's members include faculty at Columbia University. All individuals, including Columbia University faculty members, who are members of the AFT's largest higher education affiliate, the American Association of University Professors ("AAUP"), are also members of the AFT.

Harms to AFT's Members

6. I am aware of and can identify AFT members who are faculty at higher education institutions in the United States, including at Columbia University.

7. I am aware of and can identify AFT members who have lost funding as a result of the federal government's cancelation of \$400 million in federal funding to Columbia University announced March 7, 2025. Those AFT members have suffered and are continuing to suffer irreparable harm to their research, work, reputation, and ability to pursue their careers and work as a result of those funding cancelations.

8. I am aware of and can identify AFT members who rely on federal funding that the federal government threatened to cancel in its March 13, 2025 letter to Columbia University demanding certain concessions as a precondition for continuing Columbia's financial relationship with the federal government. Many of those AFT members are suffering harm as a

direct result of that threat, including because the continued viability of their work is now uncertain, making it difficult to plan, maintain professional relationships, and recruit potential staff to work on their projects. Those AFT members will also suffer irreparable harm to their research, work, reputation, and ability to pursue their careers and work if the federal government cancels that funding.

9. I am aware of and can identify AFT members at Columbia University who are concerned about losing their jobs or ability to continue to support their livelihoods, either as a direct result of the Trump Administration's cancelation of approximately \$400 million in federal grants and contracts to Columbia University, or because they fear they may be let go by Columbia if they engage in speech the Trump Administration disfavors as Columbia seeks to placate the Trump Administration and encourage it not to carry out its threats to cancel additional federal funding, and who now feel limited in what they can say in and outside the classroom for fear of the loss of additional funding to themselves or the University.

10. I am aware of and can identify AFT members at Columbia University who have started to self-censor their language both inside and outside the classroom following the Trump Administration's decision to cancel \$400 million in funding to Columbia University without following applicable statutory requirements or other law and its threats to cancel additional federal funding. These members fear that they may face backlash from Columbia and may lose their jobs as a result of exercising their academic freedom.

11. I am also aware of and can identify AFT members at other colleges and universities who are similarly concerned about losing their jobs or ability to support their livelihoods, and who now feel limited in what they can say in and outside the classroom for fear of the Trump Administration summarily canceling federal funding to their programs, universities,

or colleges without following applicable statutory requirements or other law in the same way that the Trump Administration has canceled funding at Columbia and threatened to cancel additional federal funding at Columbia and at numerous other universities and colleges.

Harms to AFT as an Organization

12. The Trump administration's cancellation of \$400 million in federal funding to Columbia University and demands that Columbia take additional steps as a "precondition" for any continued federal financial assistance to the University has harmed and is continuing to harm AFT as an organization. The Trump administration's summary cancellation of \$400 million dollars at Columbia and threats to cancel more federal funding at Columbia and other universities and colleges are directly impairing the AFT's mission.

13. As part of the AFT's core activities, the AFT regularly consults, provides education to, works with, and represents local chapters and members regarding academic freedom (including in response to actions by university administrators and the government), faculty governance, and other issues involving the employment relationship between university employees and their employers. The AFT has performed these activities on behalf of members at Columbia and will continue to do so. Through the AFT's local chapters and affiliates, the AFT also provides for the representation of members regarding academic freedom (including in meetings with administrators and during disciplinary proceedings), shared governance, and due process issues in proceedings before their university employers.

14. On November 9, 2023, the AFT Executive Council passed a resolution titled Condemning Hate and Affirming Freedom of Speech on Campus. The resolution includes the following commitments by the AFT:

RESOLVED, that the American Federation of Teachers will continue to condemn hate in all its forms, affirm the dignity and humanity of all, and promote intellectual freedom and First Amendment freedoms as foundations of our democracy; and

RESOLVED, that the AFT will continue to fight hatred, racism, antisemitism, Islamophobia and anti-LGBTQIA+ hate and will vigorously defend the free speech rights of higher education students, faculty and the community, including the rights to peacefully assemble and protest, as well as defend our members who face discipline or termination of employment as a result of their protected speech or their participation in lawful protests on campus; and

RESOLVED, that the AFT will call on college and university administrations to respect academic freedom and debates on campus; to condemn hate and racially, politically and religiously motivated attacks; and to ensure the safety of all members—whether teaching, working or learning—of the campus community; and

RESOLVED, that the AFT will provide sample resolutions, workshops and guidance to our locals and state federations to support this work at the campus level.

A copy of the resolution is available at <https://www.aft.org/resolution/condemning-hate-and-affirming-freedom-speech-campus> and is attached hereto as Exhibit A.

15. I understand that Title VI and its implementing regulations require the government to provide notice and 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 understand that the government did not provide notice, or hold any hearing or provide any opportunity to be heard, before terminating \$400 million in federal funding to Columbia and did not provide notice, or hold any hearing or provide any opportunity to be heard, before announcing that Columbia's compliance with the demands in the government's March 13, 2025 letter was a "precondition for formal negotiations regarding Columbia University's continued financial relationship with the United States government." If the government had provided notice and held a hearing as required, both the AFT and individual AFT members would have sought to participate in that hearing directly or as amici curiae, as permitted by the applicable regulations, to protect the federal funding supporting the work of AFT members at Columbia and to protect

the principles of academic freedom, due process, and shared governance that are at the core of the AFT's mission.

16. On July 17, 2024, the AFT launched "Real Solutions for Higher Education" (Real Solutions), a multi-year \$1 million commitment to support its higher education chapters in re-establishing higher education as a public good through initiatives that focus on 1) promoting increased public investment in higher education, 2) safeguarding free speech and academic freedom on campuses, and 3) advancing meaningful job security while ending contingent employment for academic workers.

17. Since the launch of the Real Solutions campaign, AFT has hosted a series of organizing webinars, providing its higher education members with basic skills they can use to shape and strengthen their own campaigns to support academic freedom, make higher education more accessible, and ensure contingent faculty have appropriate job security and a livable wage.

18. The AFT advocates for the rights and obligations of its members, stressing that academic freedom is essential for fostering new knowledge and strengthening our democracy. Protecting and advancing academic freedom is the core mission of one of AFT's largest higher education affiliates, the AAUP. Through the AFT Defense Fund, the AFT provides financial support to defend its members in proceedings before university administrations or the government when their academic freedom is at risk. In partnership with the AAUP, the AFT also hosts webinars and other educational sessions to offer support to members encountering challenges to academic freedom on campus.

19. Since the Trump administration announced plans to cut federal funding from certain colleges and universities, including Columbia, the AFT Higher Education Department has experienced an increase in inquiries from affiliate leaders and members seeking guidance on how

to respond to federal funding cuts and threats of more cuts, how to protect themselves and their colleagues from retribution from the government, their universities, or the public as a direct result of the Trump administration's threats, and what steps to take to protect their and their colleague's academic freedom and livelihoods from these threats. In response, the AFT Higher Education Department has implemented weekly and biweekly initiatives for its 420 higher education affiliates to tackle the concerns of its members. For instance, the Higher Education Department conducts weekly calls with its affiliate leaders and biweekly webinars that are accessible to all AFT Higher Education members, aimed at monitoring administrative and federal actions while addressing member concerns in real time. Additionally, the Higher Education Department releases a weekly newsletter for its affiliate leaders to provide ongoing updates and guidance on how to respond to the Trump Administration's actions against higher education.

20. In direct response to the Trump Administration's canceling of funding to Columbia, the AFT Higher Ed Department drafted sample contract and policy language to be used by AFT affiliates in negotiations with universities and colleges to address the ramifications of the funding cancellation, including by seeking institutional funding support to faculty if their research is affected by federal funding cuts and proposed language that would address the impact that federal funding cuts will have on the tenure clock for affected non-tenured faculty. In general, university faculty are expected to do a certain amount of research within a certain time period prior to seeking tenure. The language that AFT has drafted for its affiliates would stop the tenure clock if faculty research is impacted by federal funding cuts. The AFT diverted staff time and incurred expenses to develop this sample contract and policy language that the AFT would have devoted to its other work had the Trump Administration not canceled the federal funding to Columbia.

21. The Trump administration's actions withdrawing federal funding for Columbia and other universities 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 where AFT members are employed. As a direct result of Defendants' actions, Columbia no longer adheres to these principles.

22. Defendants' actions have made it more difficult and resource-intensive for the AFT to carry out its representation of members, in particular on issues of academic freedom. Because Defendants have placed tremendous financial pressure on Columbia and interfered with guiding principles of academic freedom, shared governance, and due process, the AFT must now expend more time and money to ensure that the AFT's members' rights in these regards are adequately protected. In particular, the AFT anticipates that it will have to make significantly more expenditures from the AFT Defense Fund to provide for the legal representation of members in university investigations, lawsuits, and other fora as a direct result of Defendant's actions and Columbia's capitulation to Defendants' demands.

23. The Trump Administration's funding cancelation and threats to cancel more funding at Columbia and other universities and colleges also 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. The Trump Administration's demands to curtail speech and academic freedom on campus have therefore directly impaired the AFT's mission.

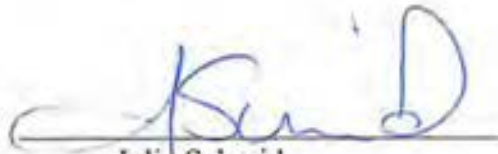
24. Defendants' actions have also made it more difficult and resource-intensive for the AFT to provide accurate and effective guidance to their chapters and members regarding these principles. The AFT has had to divert staff and financial resources to address the

significant influx of inquiries from chapter leaders and members regarding the effect of such actions on members' academic freedom, shared governance, and due process rights, and to ensure that members are adequately represented before their university employers. This significant diversion of staff and financial resources has already begun. In addition to responding to such member requests, staff for the AFT have had to conduct nationwide calls and virtual meetings with chapter leaders regarding Defendants' actions and how to represent members in the face of such actions.

25. Defendants' actions have also caused a pervasive sense of fear and intimidation among the AFT's members. Because of Defendants' actions and the threats of further cuts to research funding, I am aware that some AFT members no longer feel comfortable participating in and publicly supporting the AFT's activities, or asserting their academic freedom, shared governance, and due process rights.

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 1 day of April 2025.



Julie Schmid

Exhibit A



≡ Menu

[Home](#) › [About Us](#) › [Resolutions](#)

AFT Resolution

Condemning Hate and Affirming Freedom of Speech on Campus

WHEREAS, intellectual freedom is foundational to a representative democracy and enshrined in the First Amendment freedoms of speech and expression, conscience and assembly; and

WHEREAS, people cannot truly exercise their rights without the open and robust debate of ideas, free from intimidation, violence and threat of violence; and

WHEREAS, U.S. colleges and universities, both two-year and four-year, are central to the development and promotion of intellectual freedom and should be sites of free and open debate, where difficult—sometimes painful—topics and opposing ideas should be discussed, challenged and debated in ways that respect diversity of thought and the dignity and humanity of all; and

WHEREAS, to secure this freedom of thought and expression, institutions of higher education have an obligation to ensure environments where students, staff and faculty are free to engage in these exchanges without facing intimidation or racially, politically or religiously motivated attacks and threats of violence; and

WHEREAS, faculty, staff and students have both rights and obligations in the exercise of intellectual freedom, including the responsibility to exercise their freedoms in ways that respect the rights of those with whom they disagree; and

WHEREAS, higher education as a site of free speech and protest is even more essential and necessary during times of unrest and uncertainty; and

WHEREAS, misinformation campaigns and legislative attacks are used to stoke the culture wars on campus and continue a cycle of hate and bigotry that has resulted in an increase in racism, antisemitism, Islamophobia and anti-LGBTQIA+ hate on campus; and

WHEREAS, the violence, threats of violence and intimidation we recently have seen on campuses create an environment that puts students, faculty, staff and other members of the campus community at risk, making it an environment where freedoms are undermined, our country further divided, and our democracy further eroded; and

WHEREAS, students, faculty, staff and other members of campus communities have been subject to social media attacks, doxing campaigns and death threats; and

WHEREAS, faculty and staff have faced discipline, pressure to resign, and termination as a result of exercising their academic freedom in the classroom and their right to engage in protest and speak out:

RESOLVED, that the American Federation of Teachers will continue to condemn hate in all its forms, affirm the dignity and humanity of all, and promote intellectual freedom and First Amendment freedoms as foundations of our democracy; and

RESOLVED, that the AFT will continue to fight hatred, racism, antisemitism, Islamophobia and anti-LGBTQIA+ hate and will vigorously defend the free speech rights of higher education students, faculty and the community, including the rights to

peacefully assemble and protest, as well as defend our members who face discipline or termination of employment as a result of their protected speech or their participation in lawful protests on campus; and

RESOLVED, that the AFT will call on college and university administrations to respect academic freedom and debates on campus; to condemn hate and racially, politically and religiously motivated attacks; and to ensure the safety of all members—whether teaching, working or learning—of the campus community; and

RESOLVED, that the AFT will provide sample resolutions, workshops and guidance to our locals and state federations to support this work at the campus level.

Approved by AFT Executive Council

November 9, 2023

(2023)

Please note that a newer resolution, or portion of a resolution, may have superseded an earlier resolution on the same subject. As a result, with the exception of resolutions adopted at our most recent AFT convention, resolutions do not necessarily reflect current AFT policies.

About Us

- ▶ Mission
- ▶ AFT Leadership
- ▶ Resolutions
- ▶ State of the Union
- ▶ AFT Constitution

- ▶ Financial Statements
- ▶ History
- ▶ Contact

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Our Mission

The AFT is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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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 Reinhold Martin

**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 Reinhold Martin

I, Reinhold Martin, declare as follows:

1. I am a Professor of Architecture at the Graduate School of Architecture, Planning, and Preservation at Columbia University.

2. I am the President of the American Association of University Professors Columbia chapter ("Columbia AAUP"). I have voluntarily served in this role since the Columbia University Chapter of American Association of University Professors ("AAUP") announced the election of a new Executive Committee on May 22, 2024. I have been an AAUP member since 2021.

3. As a chapter of the AAUP, Columbia AAUP advocates for policies at Columbia which promote the AAUP's mission of advancing academic freedom and shared government, defining fundamental professional values and standards for higher education, ensuring higher education's contribution to the common good, and safeguarding the economic security of faculty,

academic professionals, graduate students, post-doctoral fellows, and others all those engaged in teaching and research in higher education.

4. Columbia AAUP is not aligned with any political party or ideology. Our members have diverse political and personal beliefs, and we welcome that diversity.

5. All Columbia AAUP members are members of the AAUP. AAUP is an affiliate of the American Federation of Teachers ("AFT"). As a result, all current AAUP members are also AFT members.

6. 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 am not aware of any such notice having been provided to any AAUP member or any such hearing occurring prior to the termination of \$ 400 million in federal funding to Columbia. I received the document attached to this declaration as Exhibit A from former Interim President Katrina Armstrong on March 7, 2025. It is my understanding that this email communication was sent to all Columbia faculty, staff, and students.

7. If the government had provided notice and provided opportunity for a hearing as required, I would have notified AAUP members of the opportunity and likely would have organized our participation in that hearing directly or as an amicus curiae, as permitted by the applicable regulations, to protect the federal funding that supports our work.

8. 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 would have notified AAUP members of the report and likely would

have organized communications to Congress by AAUP members opposing termination of the federal funding that supports our work.

9. 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.

10. As President of the Columbia AAUP chapter, I have heard from dozens of our members about how federal funding cuts have severely disrupted their ability to conduct essential academic research. Many of them, including the AAUP members discussed below, are afraid to publicly testify about the impacts of these cuts because they fear retaliation from Columbia University and the federal government.

11. Members, including those discussed below, have expressed fear that they will be blacklisted from future federal grant funding, denied tenure or academic promotion, and/or face retaliation against other members of their department or the students they advise. Certain members, including some discussed below, have expressed concern that because they or their family members are noncitizens, their visas or green cards could be revoked in retaliation for their participation in this litigation. This declaration discusses the experiences of AAUP members without providing names because of the reasonable fears of retaliation these members have expressed.

AAUP Member # 1

12. An AAUP and AFT member is part of the faculty at the Mailman School of Public Health. Their research focuses on the development of biostatistical methods and data science tools for the analysis of public health data.

13. This AAUP member is a co-investigator on an approximately \$1.7 million NIH U2R grant terminated as part of the government's announced \$400 million cuts. This grant

funded a project to train data scientists in Africa on the collection and processing of public health data. It funded a 5-year project, at about \$350,000 a year. Only 3.5 out of the 5 years had been completed before the grant's termination.

14. Cancellation of this grant will have substantial impacts for Columbia's external partners. Planned collaborative research and training activities involving Columbia affiliates and scientists/trainees at institutions abroad will be interrupted.

15. As a result of the termination, the AAUP member will lose a portion of their funded research effort and so must increase effort on unrelated projects funded by other sources in order to maintain their full sponsored effort allocation (the 80 percent of their salary that is funded by sponsored projects).

16. None of the work funded by this grant was related to Israel, Palestine, Judaism, or any topic related in any way to antisemitism. The program has never faced any investigation or complaint related to antisemitism.

17. This AAUP member also mentors multiple PhD students who have lost T32 training grants as a result of the termination of \$400 million in federal grants and contracts. To complete their PhD, these students received guaranteed funding for 5 years. It will substantially burden the school to have to find alternative sources of funding for these students. In addition to the harms of the loss in funding, T32 grants also help provide crucial training support to young researchers. Due to funding termination, this member is concerned that their mentees are now going to lose out on vital early career skill development including mentoring and skills training that were only possible as a result of the NIH funding.

18. Every year the biostatistics PhD program admits a new cohort of students. The program is very selective and competitive, admitting only 7 or 8 students per year. This year due

to the loss of funding and resulting financial uncertainty, the size of the cohort was reduced: only 4 new PhD students were admitted. A smaller cohort of doctoral trainees leads to substantially reduced research productivity for faculty, since these trainees contribute to education and research as teaching assistants and research assistants. It is this member's understanding that other doctoral training programs in the public health school, housed in other departments, were similarly affected.

19. This member has not received any official communications from NIH regarding the termination of funding. It is this member's understanding 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. They were not provided any such notice, and are 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. This AAUP member – who is Jewish and was previously a student at Columbia – has always taken pride in the political engagement and activism across its campuses. They feel that there has been a substantial shift in that culture of political engagement and debate as a result of the Administration's actions against Columbia. They feel these attacks have had a chilling effect on everyone at Columbia regardless of their area of study and that many faculty and students are concerned about expressing a political view that could get them in trouble or cause further problems for the university.

AAUP Member # 2

21. Another AAUP and AFT member is a member of the faculty at Mailman School of Public Health. Their research focuses on developing biostatistical tools to improve environmental health science research.

22. This AAUP member is a principal investigator on an approximately \$375,000 NIH K01 grant that was terminated as part of the government's announced \$400 million termination. This grant funded research into advanced statistical and artificial intelligent methods to enhance the design of a heat warning system. The investigator will focus on evaluating and implementing heat warning systems to reduce health risks posed by extreme heat weather in the US. The investigator will study the impacts of heat alerts on daily health outcomes due to heat-related illnesses among US adults. Work on this grant had just begun – the grant is for a term of 3 years and had only been underway for approximately 2 months before the grant was terminated.

23. The grant provided the bulk of the salary support for this faculty member – \$75,000 per year. Without that funding this member is uncertain how they will meet their obligations to secure funding to contribute to covering their salary.

24. The grant also provided \$50,000 per year for research expenses. This member was planning to use a portion of this funding to hire a research assistant and recently hired someone to fill that position. Without grant funding that research assistant's employment is at risk as it is unclear where this member can secure additional funding to cover their wages.

25. In addition to the loss of funding, NIH K-grants provide critical career development support for early career researchers including this member. The loss of support for training programs, data access, seminars, travel to coordinate with other research institutions and professionals will have an immediate impact on this member's career. The investigator has

assembled an advisory team with experts from four US universities. These advisors bring specialized knowledge in environmental health, statistics, optimization, machine learning, and AI, forming a critical foundation of expertise for the investigator's research program development. A loss of support would disrupt coordination with advisory teams and significantly delay access to crucial knowledge and skills necessary to carry out the investigator's critical research responsibilities in present and in the future.

26. The loss of research funding and training support will have an immediate negative impact on this member's career. The researcher would immediately face hardship in securing salary support for himself and the research assistant and would be unable to fulfill essential research responsibilities due to the lack of funding, potentially resulting in termination of employment. Additionally, the loss of training support would jeopardize future recruitment opportunities by causing inadequate training in critical research areas identified in the grant proposal.

27. This member received a communication from NIH on March 25, 2025 informing them that the grant was in "closeout." There is an official grant letter on the NIH grant interface, eRA Commons, which reflects that the grant has been terminated and the award amount had been "revised" to \$0 due to "unsafe antisemitic actions that suggest the institution lacks concern for the safety and wellbeing of Jewish students" at Columbia. They have not received any further communications from NIH.

28. It is this member's understanding 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. They were not provided any such notice, and are 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.

29. None of the work funded by this grant was related to Israel, Palestine, Judaism, or any topic related in any way to antisemitism. The program and this member have never faced any investigation or complaint related to antisemitism.

AAUP Member # 3

30. Another AAUP member is an assistant professor at the Columbia Irving Medical Center (“CUIMC”). Their research focuses on HIV prevention and sexually transmitted infections.

31. This member was the principal investigator on a U54 grant from the National Cancer Institute to improve cervical cancer prevention in low and middle-income countries. U54 grants support cross-organizational coordination to tackle a specific disease or biomedical problem. In this case, the grant supported an ongoing thirty-year relationship between researchers at CUIMC, the University of Cape Town, and the Khayelitsha Cervical Cancer Screening Program.

32. The grant was for a little more than \$1 million per year, for a period of five years. The grant was cancelled about one and a half years into the grant period.

33. This member did not receive any official communication about the cancellation of the grant from NIH; notice of the cancellation came from Columbia.

34. In order to appeal the termination of the grant, Columbia asked this member to submit a statement concerning whether the grant could be rescoped to avoid “non-aligned areas,” including DEI, gender ideology, climate environmental justice, vaccine research, COVID-19 research, and global collaborations.

35. Since the funding was withdrawn, research has been halted. The grant would have helped to fund a clinical trial, but that phase had not yet begun when the federal funding was revoked.

36. The grant funded two professors in the Mailman School of Public Health as well as one post-doctoral fellow and one program manager at CUIMC. Without this funding, all three Multiple Principal Investigators (MPIs) would experience a reduction on level of effort (LOE). The program manager and the post doctoral positions would not be viable without this funding, and this would severely undermine their career progression.

37. This grant also funded approximately 10 positions in South Africa, supporting roles at the University of Capetown and the Western Cape Department of Health. These colleagues will now have their employment terminated. Loss of the contact Principal Investigator, included among the colleagues who would be terminated, would set the project back tremendously given the loss of this unique clinical and research expertise in conducting cervical cancer screening and treatment clinical research in this community setting. Similarly, loss of the staff, each with unique experience in recruiting, data collection, entry and management of quantitative and qualitative cervical cancer prevention data as well clinical expertise in conducting procedures that will be newly introduced, will set back this project and lifesaving research to combat cervical cancer substantially.

38. A critical goal of the U54 program was to build local capacity. Without federal grant funding, this member will have to withdraw financial and academic support to the current fellows and renege on commitments made to future clinical and research capacity building. This abrupt termination would erode trust between the university research and ministry of health

implementing partners. Other critical components of effective stakeholder/partner engagement such as continuity, and transparency, would be damaged between partnering organizations.

39. This member was also a co-investigator on an NIH R56 grant concerning Doxycycline Post-Exposure Prophylaxis for men who have had sex with men and transgender women. That grant was also cancelled.

40. This member understands 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. They were not provided any such notice and are 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.

41. None of the work funded by either of these grants was related to Israel, Palestine, Judaism, or any topic related in any way to antisemitism. The program and this member have never faced any investigation or complaint related to antisemitism.

AAUP Member # 4

42. Another AAUP and AFT member is a member of the faculty at the Mailman School of Public Health.

43. This AAUP member is a principal investigator on an approximately \$ 4.2 million NIH grant terminated as part of the government's announced \$400 million cuts. This grant funded interdisciplinary research and collaboration into how exposure to environmental factors impacts human health. This was a large Center grant, covering a term of 3 years and involving approximately 20 researchers and multiple postdoctoral fellows and research assistants. At the

time it was cut, one postdoctoral fellow, one Associate Research Scientist, and three part-time research assistants were involved, in addition to the faculty involved as co-investigators.

44. Work on this grant began in late September 2024. Researchers had begun downloading and harmonizing the environmental data, which they would then link public health data to determine if there are any links and to examine the factors contributing to negative health impacts.

45. Cancellation of this grant will also have substantial impacts for the Mailman School's external partners for this work at two other major universities in the country.

46. As a result of the grant termination, the work on this grant has stopped. Three masters students working part-time on the project as research assistants were laid off and lost their source of income.

47. The grant would have provided opportunities for innovative collaborations among faculty from across the University to work on improving environmental health research to better understand these impacts on human health and guide policies, investments, and mitigation plans to equitably protect those most vulnerable to environmental exposures. It would also generate critical knowledge on the impacts of increasingly intense and frequent extreme weather events on aging; as the US population is aging, identifying factors that impact healthspan is crucial.

48. Termination of this grant will delay the opportunity for Columbia University to truly become one of the leaders in environmental health research and the first institution to bring together expertise across numerous different disciplines from all across the campus to study the impacts of environmental insults on human health and develop preventive and adaptive strategies, thus potentially reshaping how we conduct environmental health research.

49. This AAUP member lost funding for 15 percent of their effort with just this one grant cancellation, with a large part of their salary also impacted by termination of other grants on which they were a co-investigator. It is uncertain how much longer Columbia University will continue paying salaries to research faculty.

50. This member received an official communication from NIH on March 17, 2025 in the form of a revised notice of award informing them that the grant was terminated, backdated to March 14th. According to the communication, the grant had been terminated due to unsafe conditions for Jewish students at Columbia.

51. The member understands 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. The member was not providing any such notice and is 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.

52. None of the work funded by this grant was related to Israel, Palestine, Judaism, or any topic related in any way to antisemitism. The program has never faced any investigation or complaint related to antisemitism.

AAUP Member # 5

53. Another member of the AAUP and AFT is a faculty member in the Graduate School of Architecture, Planning, and Preservation.

54. This AAUP member has noticed that students and faculty are far more self-conscious in the classroom as a result of the recent federal pressure on the University. The AAUP member believes that in the classroom, it is important for robust discussions to have a

degree of spontaneity. That tendency has noticeably lessened now. This AAUP/AFT member also tends to pause more in the classroom themselves, often reflecting on how their words may be misrepresented or taken out of context. This member feels that the teaching environment is now akin to talking to a reporter, resulting in a learning environment that is substantially less honest and open.

55. This AAUP member, who also has substantial experience working in the humanities across campus, believes that it is crucial that people can openly dispute the meaning of certain facts. They believe that it is important to be able to look at a fact, an artwork, or a text and debate its meaning openly—a debate that is now severely constrained.

56. This AAUP member tries not to let their concerns affect their speech and their teaching, but they often find themselves hesitating in the classroom. For example, when they teach about Israeli architecture and urban planning, they find it much more difficult to fully explain how that planning has been interpreted differently across groups.

57. This AAUP member is concerned that feeling constrained in the classroom will harm teaching in the humanities well beyond the areas mentioned above. They believe in the mantra “teach, don’t preach,” and in the science of scholarly interpretation. They therefore believe that professors must be able to share challenging interpretations of controversial artworks, objects, processes, and facts, independent of outside influence.

58. This AAUP member also feels chilled in their speech while advising students. They are concerned about retaliation if they engage with students around ideas which are disfavored by the federal government or Columbia University.

59. This AAUP member believes that the March 7 funding withdrawal has contributed to the chilling of speech. They felt that the classroom environment, for example, has

become noticeably less open and more repressed than before. This learning environment is profoundly harmful to students, who are now challenged less frequently because they do not feel like they can think openly about difficult subjects.

60. There is also the case of students who propose to reflect on what is happening at Columbia University for their class assignments. This AAUP member wants to encourage them to work freely with their ideas, but they also are concerned that promoting that thinking would encourage students to be taking on a risk to themselves.

AAUP Member # 6

61. Another AAUP and AFT member is a tenure-track professor at the Mailman School of Public Health who has an active, government-funded research program with the objective of improving public health.

62. This individual is very concerned about the cancellation of federal scientific funding and Columbia's concession to Defendants' demands in the March 13 letter. This member feels strongly that such actions are a threat to academic freedom in higher education and, more broadly, our democratic system.

63. In the past, this individual has felt comfortable speaking about contentious issues on campus. They have spoken up when they felt that the administration was headed in the wrong direction. They have supported their students in making their voices heard and thinking through difficult social and political issues.

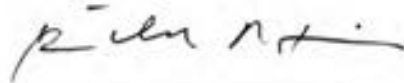
64. But in the present moment, this member feels unable to step forward and speak freely.

65. This member was invited to speak at an AAUP rally in recent days. They had prepared a speech encouraging their fellow faculty and students to rally together and stand up for

academic freedom and independent scientific inquiry. However, this member ultimately decided it was not safe to participate in such a public forum because they are concerned about government retaliation against their vulnerable loved ones. Specifically, a close family member is a non-US citizen with permanent residence status. They felt that making their voice heard they would put the safety of their family at risk: that speaking out might result in revocation of the family member's permanent residence, with or without an excuse based on scrutiny of the family member's social media accounts for any statement that could be perceived as criticizing Trump or the current administration. A lawyer acquaintance was consulted, and failed to provide reassurance that the fear was ill-founded in the current political context. As a result, they withheld speech on issues where they had strong convictions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 2 April 2025

Signed: 

Reinhold Martin

Professor of Architecture

Exhibit A

From: Katrina Armstrong <officeofthepresident@COLUMBIA.EDU>

Subject: Responding to Federal Action

Date: March 7, 2025 at 5:30:33 PM EST

To: PRESIDENT@LISTS.COLUMBIA.EDU

Reply-To: officeofthepresident@adcu.columbia.edu

Dear members of the Columbia community:

Columbia's mission is to teach, create, and advance knowledge. For over 270 years, that mission has been grounded in an enduring and essential commitment to freedom of expression, open inquiry, and generous, respectful debate.

Today, we were notified of federal action from Department of Justice (DOJ), Department of Health and Human Services (HHS), Department of Education (ED), and the U.S. General Services Administration (GSA) cancelling \$400 million in federal funding to the University. The federal agencies cite "the school's continued inaction in the face of persistent harassment of Jewish students."

There is no question that the cancellation of these funds will immediately impact research and other critical functions of the University, impacting students, faculty, staff, research, and patient care.

But let me be very clear: Columbia is taking the government's action very seriously. I want to assure the entire Columbia community that we are committed to working with the federal government to address their legitimate concerns. To that end, Columbia can, and will, continue to take [serious action toward combatting antisemitism on our campus](#).

This is our number one priority.

Today's announcement will undoubtedly create anxiety and concern for our entire community. These impacts will touch nearly every corner of the University. But it is during periods like this that our collective dedication to this institution and our mission takes on critical importance.

Our north star has not changed. We are committed to education and research that will benefit our nation and our world. We believe in the power of knowledge to drive progress and improve lives. Our mission as a great research university does not waver.

Sustaining this mission requires us to actively nurture a community that values viewpoint diversity and rigorous, fact-based debate built upon mutual respect and personal accountability. Our ability to successfully fulfill our purpose depends on us defending these values. Antisemitism, violence, discrimination, harassment, and other behaviors that violate our values or disrupt teaching, learning, or research are antithetical to our mission. We must continue to work to address any instances of these unacceptable behaviors on our campus. We must work every day to do better.

When I accepted the role of Interim President in August 2024, I knew Columbia needed a reset from the previous year and the chaos of encampments and protests on our campus. The University also needed to acknowledge and repair the damage to our Jewish students, who were targeted, harassed, and made to feel unsafe or unwelcome on our campus last spring.

My first action as Interim President was to clarify our Rules of University Conduct and strengthen our disciplinary process. We did that by appointing a new Rules Administrator, establishing an Office of Institutional Equity to combat antisemitism and all forms of harassment and discrimination on campus, and increasing resources and training for our Public Safety team.

We have transformed the University's approach to managing demonstrations, built and put into action disciplinary processes that previously existed only on paper, created collaboratives across our campuses to provide relevant education and training, implemented new anti-discrimination policies and trained our entire community on those policies, changed our protocols for campus access, and redesigned our leadership structures to more swiftly respond to incidents of antisemitism and discrimination on campus. As a result, our campus has retained its focus on our academic mission throughout this academic year.

Each morning, I remind myself that I am standing up for our students. Because every student deserves to have the best possible experience and because our nation deserves to have the best leaders that the best universities can create. The only way we can achieve that goal is to look honestly and deeply at not just our achievements, but at our failures and shortcomings, and ask ourselves how we can do better. That's something doctors do for their patients every day, and something I'm committed to doing for as long as I have the privilege of serving as the leader of this distinguished and storied institution.

At this time of great risk to our University, I challenge every member of our community, including our students, faculty, and staff, to reaffirm your commitment and participation in building a Columbia that truly reflects the ingenuity, curiosity, excitement, and sense of purpose we share as part of this unique institution.

No one can forecast with certainty what the future will hold. However, I do know this: a unified Columbia, one that remains focused on our mission and our values, will succeed in making the uncommonly valuable contributions to society that have distinguished this great university from its peers over the last 270 years. Being part of this esteemed institution of learning and research is a privilege that we should never take for granted.

We must hold firm and summon the courage to meet this moment with determination, integrity and humility. I look forward to working with all of you to achieve exactly this.

Sincerely,

Katrina Armstrong
Interim President, Columbia University in the City of New York

**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 Susan Witte

**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 SUSAN WITTE

I, Susan Witte, declare as follows:

1. I am a Professor of Social Work. I have been on the faculty of the School of Social Work since 2001.

2. I received my Doctor of Philosophy (Ph.D) in Social Work from Columbia University. I also have a Master of Social Work (M.S.W.) from the University of Connecticut and a Bachelor of arts (B.A.) cum laude in Public Policy Studies from Duke University.

3. My research focuses on community and global health.

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 am a researcher on a team that has had multiple grants terminated as a result of the \$400 million in funding cuts. I supervise work on this team, and I am the faculty mentor of the principal investigator.

7. One of the grants was an approximately \$3.5 million NIH 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. The principal investigator (PI) of the grant got an email from Columbia University informing the team of these terminations around March 11 or so.

8. The notices cancelling the grants 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."

9. The grants support research on how extreme weather and climate change influence health, mental health, and well-being among women in East Africa. The implications of this work are far-reaching, and they inform the understanding of health in low-resourced US areas experiencing extreme weather as well.

10. Because the center grant was awarded recently, hiring had not yet begun for the US-based team of that part of the project. Now, we are not able to move forward with this hiring at all.

11. We had already hired staff in Nairobi, Kenya, who were all laid off due to these grant terminations. If not for the terminations, they would have continued on as key staff for this new center grant. When we hired these individuals, we looked for life experience and standing in the community. These individuals were informal leaders and community health champions. It will be very detrimental to our research on this project to lose the expertise of these individuals.

12. This team of already-hired and now laid-off individuals included 16 community women from informal settlements in Nairobi who were going to move into research leadership positions because of their expertise. They would have had salaries under this grant for the next three years. That is now lost.

13. The team of already-hired and now laid-off individuals also included three individuals who would have made up full-time operations staff to build the sustainability of a Climate Change and Health Research Center in East Africa. We were going to hire three more individuals in addition to these three people. This is a huge loss of infrastructure and human resource capacity.

14. We have had to tell these already-hired individuals that we need to break our promises to them and that we can no longer work with or pay them. We have been having these conversations, and it is really difficult. These individuals currently do not have a way to replace not only the consistent salary but also the career growth this would have meant for them.

15. The center grant was also going to provide salary support for a team of nine scientific leaders from four countries, the United States, Kenya, Uganda, and Tanzania. We had already identified all of these scientific scholars, who were all co-investigators and Multiple Principal Investigators (MPIs) to the project. I was one of them. We had already been meeting regularly and were engaged with moving forward this project until now.

16. The center grant was also to provide financial support for a new cohort of four PhD students from four different countries, the United States, Kenya, Tanzania, and Uganda. Three of the four PhD students had already been identified and now will have no training opportunity.

17. The project supported by the center grant was also going to involve the enrollment of 1854 women from across these 18 communities in Uganda, Tanzania, and Kenya. Individuals from six pastoralist communities, six farming communities, and six informal settlements were going to participate in a study that would have strengthened knowledge, capacity, and climate adaptation strategies. We were also going to hire a cohort of 36 women in these communities to engage in this research, providing them with a stipend and growth opportunities. We had already identified some of the communities that we were going to be working with. We had told those communities about this work, and we had been so thrilled that they trusted us enough to agree to work with us. We have now had to go back to these communities and tell them that we cannot work with them on this project anymore.

18. The termination of the center grant also means loss of support for the Trans-African Hydrometeorological Observatory (TAHMO), in whom we were investing in setting up weather stations in these 18 communities, including training community members, developing climate-related curriculums in schools, and linking data to national meteorological authorities.

19. The termination of the grant also now means the loss of opportunities for conferences and knowledge-sharing across countries, communities, cultures, and disciplines.

20. Stopping this work and laying off these individuals also breaks the trust of the community. For those women we had agreed to work with in the pastoral and farming communities and informal settlements, it is hard to explain why we are now breaking our promises. Community trust is vital for rigorous, relevant, productive research.

21. As a result of the loss in expertise and trust, even if it were possible to eventually get funding again, I and the research team would struggle to bring this center together with the same quality and comprehensiveness.

22. This center grant was supposed to be a keystone of research on climate vulnerable communities in the region. It was the base upon which other grants could grow. The loss of this grant is about more than just this project – it completely upends the entire trajectory of knowledge building and sharing for this type of climate and community work in that region. The future impact and potential are gone.

23. The work on the project funded by the terminated \$379,000 NIH research grant has also stopped. For example, efforts to share the substantive results with stakeholders in the regions and for them to make use of findings have been unable to continue.

24. Stopping this sharing of knowledge will also harm the trust and long-standing relationships with the local stakeholders critical to this research.

25. It will be difficult for me and the other members of the research project team to establish future projects in that area as a result of this damaged trust and relationship.

26. I have no ability to do long-term planning for my work. I have no idea what to expect in terms of access to resources. I do not know why these grants were selected for termination, as the grants have no conceivable connection to concerns over antisemitism. I do not know how best to move forward with future grants.

27. None of the work funded by either of these two grants were related to Israel or Palestine. The work was not related in any way to antisemitism. The projects funded by these two grants have never faced any investigation or complaint related to antisemitism. If there had

ever been any type of Title VI complaint or investigation against these projects, I would have fully participated as appropriate under the law.

28. 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.

29. I feel chilled in my speech because of the government's actions with these funding cuts. I am uncertain about what I can and cannot say in the classroom or in public. I must now consider what I say and am afraid of people recording me and photographing me in spaces that may be in proximity to a rally or protest. I have to be careful about what I write publicly and privately. I am concerned in the classroom, at the School of Social Work, and on the main campus. I am also concerned in private and social media spaces. I am very careful and mostly do not post on social media at all anymore.

30. I try to join with other professors and students to promote Palestinian freedom and an anti-war perspective. I believe this viewpoint is very different from antisemitism. Nevertheless, I have seen how Defendants' actions have equated any support for Palestinian freedom and an anti-war perspective with antisemitism. I feel that Defendants' actions have prevented me from expressing what should be a valid and legal viewpoint in the United States.

31. I have observed that many others at the University feel similarly.

32. I teach a class on reproductive justice. After the \$400 million funding cuts, I assigned a self-reflection asking students to write about how they perceive reproductive justice

issues based on their own experiences and identities. A student refused to complete the assignment because it needed to be uploaded to the course website, and the student was afraid that the government would be able to access the answer and target the student.

33. I have taught that class for a number of semesters. No student has ever before expressed that concern.

34. The funding cuts also impact what I teach, as I am concerned about students and their confidentiality. Now I must consider what is safe to ask my students, so what the student says in the classroom doesn't make the student a target if repeated outside of the classroom. This applies to the questions I ask in class and the materials I post for the course.

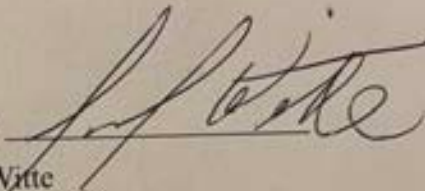
35. I find myself second-guessing how my words may be taken out of context, particularly where funding and reputational harm can follow from even principled, professional speech.

36. I also feel that my academic freedom is chilled. I now hesitate before speaking on issues of race, equity, or global human rights, even when such topics are directly relevant to the curriculum I am responsible for delivering.

37. Even though I am scared to publicly speak out about the funding cuts as part of this lawsuit, I feel a particular responsibility to do so because I have more vulnerable colleagues who I know feel unable to express how the government's actions have affected them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 3/31/25

Signed: 
Susan Witte
Professor of Social Work

**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 Victoria Frye

**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 VICTORIA FRYE

I, Victoria Frye, declare as follows:

1. I am a Professor of Social Work in the School of Social Work. I have been on the faculty at Columbia University since 2023.

2. I received my Bachelor of Arts (BA), Master of Public Health (MPH), and (Doctor of Public Health) all from Columbia University.

3. My research focuses on HIV-prevention science.

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 am the mentor of a pre-doctoral graduate student who lost a T32 training program grant as part of the \$400 million funding cuts. We found out about the cuts the week of March 10. I think the students were told that on the Monday of that week or so, and then notices went out a couple days afterwards.

7. The student works on data analysis for my research. This research project is a multilevel modeling analysis of the relationship between violence exposure and HIV care engagement.

8. I am concerned that in the future, I will not have any more pre-doctoral students to work with, given all the training grant cuts. Pre-doctoral students benefit my research because the students do work on my projects.

9. Furthermore, 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. This has huge negative ramifications to the work that I have dedicated my career.

10. These funding cuts have harmed my ability to do any long-term planning. I have no way to know what funds might be terminated without warning in the future. This uncertainty has both affected the research and also taken a significant emotional toll on me and my team.

11. The harm to HIV research threatens the health of all our communities. HIV-prevention science is vital. Without this research of my team and my colleagues, many of whom are also clinicians, we risk having a renewal and resurgence of the HIV epidemic.

12. None of the work funded by this grant was related to the Israel/Palestine conflict. I have no knowledge of any Title VI investigations of any projects I am involved in. If there were such investigations, I would have complied with the investigation. I am opposed to discrimination of any kind.

13. 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.

14. I am concerned that I will not be allowed to write grants in the future that use words that the government bans. For example, many words that I understand the government to have deemed as related to “DEI” are core to my HIV research. Furthermore, speaking authentically, including in grant proposals, is an important part of being an HIV-prevention researcher and HIV-prevention activist; being open and honest myself is necessary to destigmatizing HIV and asking people to engage in health-maintaining behavior.

15. I now no longer talk freely in my work building. I and my colleagues look around to see who’s around before speaking and speak in lower voices. I am afraid of people I do not know. For example, if someone hears me complaining about the way things are being handled, I am afraid that the unknown person will report me.

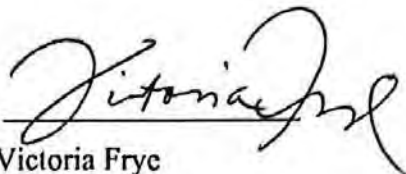
16. I have also made a change to a reproductive health rights information session event that I was organizing. It was originally going to be in person, but then I made the decision to move it online for participant safety. Now I have decided that I am just going to do the info-sharing as the only speaker, and everyone’s cameras will be off and names hidden. I have taken the Columbia logo off the event, and I will not use the Columbia videoconferencing Zoom account. The federal government’s funding withdrawals have contributed to these decisions.

17. After the government’s funding withdrawal, 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.

18. It is scary to speak out publicly in this lawsuit, but I know there are many colleagues and students who are more vulnerable than me who are being affected by the government’s actions. I feel a responsibility to speak out for all of us.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 03/30/2025

Signed: 
Victoria Frye
Professor of Social Work

ATTORNEY WORK PRODUCT – ATTORNEY CLIENT PRIVILEGED

**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 Jennifer S. Hirsch

I, Jennifer S. Hirsch, declare as follows:

1. I am a Professor of Sociomedical Sciences at the Columbia University Mailman School of Public Health. I have been a member of the Columbia faculty since 2004.

2. I have an AB from Princeton University and a PhD from Johns Hopkins University. I was a 2012 Guggenheim Fellow, a 2014–2015 Columbia Public Voices Fellow, and a 2018–2019 visiting research scholar at Princeton University’s Center for Health and Wellbeing. In 2020, I was coauthor of Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus.

3. My research spans five intertwined domains: the anthropology of love; gender, sexuality and migration; sexual, reproductive and HIV risk practices; social scientific research on sexual assault and undergraduate well-being, and the intersections between anthropology and public health. From 2010-2024, I served as Director of the Doctoral Program in the Department of

ATTORNEY WORK PRODUCT – ATTORNEY CLIENT PRIVILEGED

Sociomedical Sciences. I am currently Co-Director of the Columbia Population Research Center (although while I am on sabbatical this year, the center is being led by a colleague), on the steering committee for the Institution for Research on Women, and a faculty affiliate of the Institute of Latin American Studies. For the 2024-2025 academic year, I am serving as a fellow at the Harvard Radcliffe Institute, where I am writing a book about social, cultural, and institutional constraints on marital, sexual, and reproductive self-determination among Orthodox Jews based on more than a year of intense research.

4. I am a member of the American Association of University Professors (AAUP) and American Federation of Teachers (AFT).

5. I am a practicing Jew and an active synagogue member.

6. 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 “[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.

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7. I am over the age of 18 and competent to testify as to the matters set forth in this declaration based on my own personal knowledge.

8. I am the principal investigator on a 5-year training grant (“GSH Training Grant”) from the National Institutes for Health (“NIH”). This grant funds a unique and highly successful predoctoral research training program currently in its 18th year. This program was the first in the nation to provide NIH support for predoctoral level training in gender, sexuality, and health within a school of public health. That training takes place in my department, Sociomedical Sciences, where students funded by the GSH Training Grant matriculate (alongside students funded by other mechanisms) in the nation’s only combined PhD-level training in both public health and a specific social science discipline, preparing students to conduct rigorous, high-impact research on historical, social, cultural, and psychological dimensions of health. Matriculating students choose a specific discipline (anthropology, history, or sociology). Given the foci of the GSH training grant, our students focus on gender and sexuality as they impact reproductive and sexual health and the health of gender and sexual minorities, both nationally and globally. The NIH-funded GSH training grant which I direct has a strong track record of success in terms of trainee diversity, productivity, and post-graduate accomplishments.

9. The GSH Training Grant provided \$2.1 million in federal funding over 5 years. We are currently in year 3 of the 5-year GSH Training Grant term. Grant funding provides funding for about 45 percent of the expenses (stipend, tuition and fees, travel, training-related expenses, and childcare) for each of the 4 trainees currently enrolled in the program.

10. Six of the current 15 students in our doctoral program are currently funded or were funded by the GSH Training Grant, and another five were or are currently funded by another NIH-funded training grant that was terminated. As someone who led the doctoral program for 14 years,

ATTORNEY WORK PRODUCT – ATTORNEY CLIENT PRIVILEGED

I can confidently say that the end of these two training grants puts the survival of the doctoral program as a whole in peril.

11. I learned that the GSH Training Grant was terminated in an email from the Columbia Executive Vice President for Research on March 10, 2025. I have not received any official communication from NIH.

12. In terms of the financial impact of the grant termination, Columbia has committed to providing salary coverage during this immediate period of uncertainty for personnel whose grants have been terminated, which will include continuing approximately \$20,000 of my annual salary in recognition of the time I spend leading GSH. Beyond this initial period, I do not know whether they will continue to do so, nor do I know how I could in short order replace that salary coverage, as faculty in “soft money” positions are expected to do. Regarding the students, our matriculated PhD students are guaranteed five years of support for stipend, tuition, and fees, regardless of the source. Current trainees are experiencing harm as a result of the grant termination, as they are unable to submit reimbursements against the \$1,310 in annual travel and training expenses that is budgeted for each trainee in the grant – in some cases, for expenses that they have already incurred.

13. One trainee’s request for GSH support to attend and present at the World Psychological Association regional meeting was denied, as was another’s request to attend the American Sociological Association conference, where she had a paper accepted for oral presentation (which is an extraordinary accomplishment for a third-year doctoral student). In both cases, the students secured alternative internal Mailman school funding to support travel to these meetings, but that funding is not unlimited. Moreover, students are unable to submit non-travel-related expenses such as hardware or software or other research-related expenses, as there are no

ATTORNEY WORK PRODUCT – ATTORNEY CLIENT PRIVILEGED

internal sources of support for those things. Even if the termination is temporary, it may have consequences, such as having them refrain from submitting future conference abstracts. Presentation at scientific meetings is a crucial part of their scientific and professional development, honing their scientific and presentation skills and creating irreplaceable opportunities for networking, all of which are vital for success in a very competitive academic job market.

14. If the grant is not reinstated expeditiously, we will not advertise this spring and summer for applicants to the program for the coming cycle, who would enter with support from the grant in its last year of funding (the 2026-27 academic year). Failing to do so would mean that even if the grant *is* reinstated at some point in the future, we will have funded slots which we cannot fill (because students will not have applied to the program); this delay would virtually guarantee that a competitive resubmission for a fifth funding cycle would fail, as having ‘empty slots’ is regarded by reviewers as not running a program that prospective trainees regard as desirable.

15. The magnitude of the sudden financial shock that the department has to manage, with eight faculty members whose grants were terminated, represents an enormous and potentially unmanageable financial burden of lost federal funding for the department. I am not privy to the department chair’s planning in terms of where the funding will come from, but in a year where MPH applications are down, we are facing substantial precarity, and I imagine that we will see cuts from other places if it is not restored. This will certainly include limits to further faculty hiring, and will also limit resources for research assistants, infrastructure and supplies we need to conduct research effectively.

ATTORNEY WORK PRODUCT – ATTORNEY CLIENT PRIVILEGED

16. No faculty or students funded by the GSH Training Grant has ever worked on any topic related to Israel, Palestine, Judaism, or any topic related in any way to antisemitism. The program has never faced any investigation or complaint related to antisemitism.

17. I understand that Title VI and its implementing regulations require the government to provide notice and 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. To the best of my knowledge, the government did not provide notice, or hold any hearing or provide any opportunity to be heard, before terminating \$400 million in federal funding to Columbia or the GSH Training Grant in particular and did not provide notice, or hold any hearing or provide any opportunity to be heard, before announcing that Columbia's compliance with the demands in the government's March 13, 2025 letter was a "precondition for formal negotiations regarding Columbia University's continued financial relationship with the United States government." If the government had provided notice and held a hearing as required, I would have sought to participate in that hearing directly or as an amicus curiae, as permitted by the applicable regulations, to protect the federal funding supporting my work.

18. 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 submitted testimony to my congressional representatives opposing termination of the federal funding that supports my work.

19. I am concerned that as a consequence of my work as a scholar (and more precisely my work as a scholar, in intersection with my decision to be a public declarant in this case, in combination with my own history of political activism), I will be doxxed or subject to harassment.

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Already, because of my own political speech and my support for my students' political speech, I recently learned that I am listed on CanaryMission.org as antisemitic (an accusation with which I deeply disagree). I was chilled to see that that listing of me included tweets of mine from last spring which had been deleted *before* the listing was posted, suggesting that I have been subject to surveillance for some time.

20. I am currently working on a book about coercion and consent in sexual relationships within Orthodox Judaism. Looking ahead, I am concerned that excerpts from my book will be taken out of context to further this incorrect narrative of me as anti-Semitic, and that as a result I will face professional consequences or retaliation, which could include difficulty finding another academic position should I choose to seek one in the future.

21. While many of these issues have been contentious for years, the federal government's intervention at Columbia has greatly increased my level of concern. I am afraid that even participating in this case will have consequences for me, to the extent that I sought input both from my husband and from our young adult children, as I worry about exposing them to harm.

22. I am afraid that speaking out in these ways will lead to professional consequences beyond chastisement, to the extent that my husband and I are meeting soon with a financial planner to run through scenarios that include me losing my job.

23. I understand that much of my work does not align with the priorities of the current administration. It is of course entirely legitimate for Congress and NIH to shift funding priorities; when I began my career, NIH supported social science research on vulnerability to HIV in a way that is no longer the case, and so I have moved away from doing research in that area. NIH has substantially more funding available for topics like Alzheimer's and cancer than for child health or sexual and reproductive health, and so it has always been a struggle to secure federal funding

ATTORNEY WORK PRODUCT – ATTORNEY CLIENT PRIVILEGED

for my work. Despite that, I have received millions of dollars of research funding over the course of my career, reflecting the importance of my work as a scientist, as evaluated by my peers.

24. What I am facing now is entirely different: the intrusion of politics into grants that are already funded, or that might be funded in the future. I worry that speaking out in any way – in the media, through participating in this case, or on social media – will lead to me being blacklisted at NIH, so that regardless of how any future application fares in the peer review process, it will not lead to funds being awarded. This is a very near-term threat: I submitted a grant in October to do research on peer victimization in higher education (looking at sexual violence as well as anti-LGBTQ victimization and racist harassment). It was to be reviewed in February, but that study section was canceled, and is now listed as occurring in April. Whenever the grant is reviewed, if it is reviewed, I fear that regardless of the score it receives in peer review, at the NIH Council level there will be pressure not to fund it. This is a project that I have been working to develop since 2018, and the application that we submitted in October was the third time we have submitted it, each time seeking to be responsive to the prior round of scientific feedback. A widely cited study estimates the total US taxpayer burden incurred by sexual violence at \$3.1 trillion, and I am trying to do research that will in some small measure prevent that sexual violence. So it is not just me as a researcher who is harmed by these clawbacks; it is the progress of science, and as a result the well-being of Americans.

25. The GSH grant that was terminated is a training grant, so beyond the impact on me as a scientist, in some ways the greater impact is on trainees' assessment of the viability of a career doing research on these topics. Our trainees work on questions that include sexual violence, gender diversity, and the experiences of immigrants and racial minorities. The termination of the grant sends a powerful message about the lack of support at the federal level for research on these topics.

ATTORNEY WORK PRODUCT – ATTORNEY CLIENT PRIVILEGED

26. I am scared to submit this testimony. However, I feel very strongly about both the importance of my programs and protecting academic freedom, and perhaps even more importantly I feel a particular responsibility as a tenured faculty member in a position of relative security to speak out. I know from conversations with my students and colleagues that others with less privilege are scared or unable to speak out for fear of retaliation against themselves or their loved ones.

27. Legend has it that my great grandfather escaped Russia in a garbage can. That's never fully made sense to me - was it a can just to get across the border? Did he spend the whole time on the ship in a garbage can? But I know why he came: so that he could live and raise his family in a country where he didn't have to fear violence from the government because of what he said or how he prayed. And it is in his blessed memory that I submit this testimony, in the hopes that we can continue to do our science, in the service of humanity, and not be silenced.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 2 April 2025

Signed: 

Jennifer S. Hirsch

Professor of Sociomedical 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 Veena Dubal

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 Veena Dubal

I, Veena Dubal, declare as follows:

1. I currently serve as General Counsel for the American Association of University Professors ("AAUP"), one of the Plaintiffs in this case. I am licensed to practice law in California.
2. I am also a Professor of Law at University of California, Irvine.
3. I received a B.A. from Stanford University and J.D. and Ph.D. degrees from the University of California, Berkeley.
4. I received the documents attached to this declaration as Exhibit A from multiple AAUP members on the faculty at Columbia University who had grants frozen as part of Defendants' termination of \$ 400 million in grant funding to Columbia.
5. It is my understanding that those members received these communications from the Columbia Office of the General Counsel on or around March 24, 2025.

6. It is my understanding that these members 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.

7. Further, it is my understanding that the communications were received by many, if not all, faculty members who had grants terminated. The correspondence does not appear to be personalized to individual faculty members but instead is generally addressed to: “Dear Principal Investigators with terminated awards.”

8. These communications advised AAUP members that the government had identified certain “non-aligned” ideas and areas of research that might impact the ability of AAUP members to receive grants. The communications asked AAUP members to consider how they could rescope their federally-funded research to avoid topics and ideas that are “non-aligned” with the current federal administration. That members have been asked to avoid certain topics in research for political reasons presents a clear harm to academic freedom— and protecting academic freedom is AAUP’s core mission.

9. These communications suggest that Columbia understands the question of whether grant funding will resume to turn not on whether it cures any claimed violation of Title VI with respect to antisemitism, but on whether the research funded by the terminated grants can be revised to avoid “non-aligned” areas. The prospect of the government identifying—and Columbia accepting—areas of academic inquiry as off limits or non-aligned for purposes of scholarly research is particularly troubling to AAUP given its commitment to academic freedom.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 3, 2025

Signed: 

Veena Dubal
General Counsel, AAUP

EXHIBIT A

From: Danna Drori <dd1@gc.columbia.edu>
Date: Monday, March 24, 2025 at 11:15 AM
To: Danna Drori <dd1@gc.columbia.edu>
Subject: Time-Sensitive: Potential Appeal of Termination of Your Award(s)

Some people who received this message don't often get email from dd1@gc.columbia.edu. [Learn why this is important](#)

CONFIDENTIAL; PURSUANT TO ATTORNEY-CLIENT PRIVILEGE

Dear Principal Investigators with terminated awards:

Many of you have asked how you can help with a potential appeal of the termination of your award(s). Please read through this entire email and then respond via the attached form as soon as possible and **no later than Friday, March 28, 2025** either (a) indicating that you do *not* wish to pursue an appeal or (b) providing the specific information requested in this email.

****If you do not respond via the attached form, we will assume that you do not wish to pursue an appeal.**** However, we would appreciate your filling out the attached form with a “no appeal” response, rather than not responding at all.

Potential Appeals

The University continues to assess the strategies most likely to protect and restore the University's federal research portfolio. Individual appeals of terminated awards may be a part of that strategy. We need your help to be prepared to file such appeals on time.

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.

The success of a potential appeal 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.

What we need from you if you wish to pursue an appeal

For this reason, if you wish to file an appeal and you believe that your award could be rescoped to avoid the “non-aligned” areas in such a way that does not affect the science being proposed, we ask that you draft a statement explaining how. Please do not submit a rewrite of your proposal now – that might happen at a later stage. At this time, all we want is your best arguments for why the termination could be reversed with some modification of the underlying proposal.

Please Note: Some of you may have received modified Notices of Award or other notifications that cited “unsafe antisemitic actions” or other similar statements. We are *not* asking you to address these Title VI-based statements in your response. Rather, please focus your response on the government’s “non-aligned” areas only.

I recognize that you have already been asked for a great deal of information in the RAP process and the impact statements I requested last week. However, as PIs, you are best positioned to articulate the factual bases we need if we are to pursue appeals. For this reason, please provide your response to me no later than March 28, 2025.

If you do not believe that your award contains any of the “non-aligned” areas, or you do not know which “non-aligned” area might apply, please consult in the first instance with your Vice Dean for Research. However, the attached form should only be returned to me - and not cc'ed to anyone else - in order to preserve privilege.

If you have questions, please reach out to me at dd1@gc.columbia.edu.

Thank you.

Danna Drori

Office of the General Counsel

LEGAL NOTICE

This message (including any attachments) contains confidential information which may be legally privileged. If you are not the intended recipient of this message, you are hereby notified that any disclosure, copying, or distribution of this message, or the taking of any action based on its content, is strictly prohibited. If you received this message in error, please immediately notify the sender by

JA184

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Name of PI:
Title of Award:
ARC Project Number: GG –
Agency Award Number:
Year of
Is this award currently in a no-cost extension year (Y/N):

Please return to the Office of the General Counsel at dd1@gc.columbia.edu no later than **Friday, March 28, 2025**. Please send this survey *only* to OGC; please do not share elsewhere at this time.

Please complete a separate survey for each award that has been terminated.

If you are a sponsor of students and/or post docs, please provide your responses on their behalf.

1. If the University determines that individual appeals are an appropriate strategy, do you wish to pursue an appeal of the termination of this award?

____ Yes

____ No

2. If you answered YES to Question #1, please indicate which of the following "non-aligned" areas may be present in your award. Please select as many as you believe may apply.

____ DEI

____ Gender Ideology

____ Climate/Environmental justice

____ Vaccine research

____ Research on COVID-19

____ Research involving global collaborations

____ Other, please identify: _____

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3. Did the Notice of Funding Opportunity (NOFO) require you to include content in what are now considered "non-aligned" areas? If yes, please describe the requirement. **[100 words]**

4. If you believe your proposal can be rescoped to avoid the "non-aligned" areas you identified in Question #2 in such a way that does not affect the science being proposed, please provide a statement here explaining how you would do so. **[400 words]**

**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 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' Motion for a Preliminary Injunction.

3. At my direction, a litigation assistant at my law firm searched the public websites of each agency Defendant—the U.S. Department of Health and Human Services, U.S. Department of Education, U.S. Department of Justice, National Institutes of Health, and General Services Administration—for records regarding Defendants' recent Title VI enforcement actions against Columbia, including any legal notices, findings, records of any hearing, or reports to Congress. The litigation assistant could identify no such records other than the press releases referenced below in paragraphs 23, 24, 26, 28, 33, 61, 62, and 65, and the spreadsheet referenced in paragraph 36.

4. Attached hereto as **Exhibit 1** is a true and correct copy of the following article: Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020), downloaded from <https://www.hrw.org/news/2020/09/03/hungary-continues-attacks-academic-freedom>, and available at <https://perma.cc/Q96R-2S52>.

5. Attached hereto as **Exhibit 2** is a true and correct copy of the following article: Muzaffer Kaya, *Turkey's Purge of Critical Academia*, Middle East Research and Information Project (2018), downloaded from <https://merip.org/2018/12/turkeys-purge-of-critical-academia/>, and available at <https://perma.cc/C4CJ-CBT8>.

6. Attached hereto as **Exhibit 3** is a true and correct copy of the following article:
Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*,
International Research Group on Authoritarianism and Counter-Strategies (July 22, 2021),
downloaded from <https://irgac.org/articles/the-crisis-of-brazilian-universities-higher-education-under-bolsonaro/>, and available at <https://perma.cc/4H5U-RMPM>.
7. Attached hereto as **Exhibit 4** is a true and correct copy of the following webpage:
Agenda 47, *Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DonaldJTrump.com (July 17, 2023), downloaded from
<https://www.donaldjtrump.com/agenda47/agenda47-protecting-students-from-the-radical-left-and-marxist-maniacs-infecting-educational-institutions>, and available at <https://perma.cc/7HZN-5MW8>.
8. Attached hereto as **Exhibit 5** is a true and correct copy of the following webpage:
Agenda 47, *The American Academy*, DonaldJTrump.com (Nov.1, 2023), downloaded from
<https://www.donaldjtrump.com/agenda47/agenda47-the-american-academy>, and available at
<https://perma.cc/B66V-ZXMT>.
9. Attached hereto as **Exhibit 6** is a true and correct copy of the following article:
Henry Reichman, “*The Professors Are the Enemy*”, The Chronicle of Higher Education (Dec. 14, 2021), downloaded from <https://www.chronicle.com/article/the-professors-are-the-enemy>.
10. I watched the YouTube video, National Conservatism, J.D. Vance | The Universities are the Enemy | National Conservatism Conference II, YouTube (Nov. 10, 2021), available at <https://www.youtube.com/watch?v=0FR65Cifnhw>, and at <https://perma.cc/WQF6-QU6V>. The video is of a speech given by J.D. Vance. The speech is titled “The Universities are

the Enemy.” At 30 minutes and 22 seconds into the video, Mr. Vance states, “the professors are the enemy.”

11. Attached hereto as **Exhibit 7** is a true and correct copy of the article Rob 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), downloaded from <https://europeanconservative.com/articles/dreher/i-would-like-to-see-european-elites-actually-listen-to-their-people-for-a-change-an-interview-with-j-d-vance/>, and available at <https://perma.cc/5WJK-KC8P>.

12. I watched the YouTube video, Mark McMillan, *Leo Terrell with Mark Levin- How we’ll defeat antisemitism in the USA* (Mar. 9, 2025), available at <https://www.youtube.com/watch?v=NOFIKRr2Sco>, and at <https://perma.cc/5V4R-M692>. The video is of an interview segment on Fox News. At 2:41, Defendant Leo Terrell states, “The academic system in this country has been hijacked by the left, has been hijacked by the Marxists. They have controlled the mindset of our young people . . . and we have to put an end to it.” At 1:42 and 4:16, Mr. Terrell states, “We’re going to bankrupt these universities. We’re going to take away every single federal dollar... If these universities do not play ball, lawyer up, because the federal government is coming after you.”

13. Attached hereto as **Exhibit 8** is a true and correct copy of a transcript of an interview with Defendant Leo Terrell: *Leo Terrell, Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism on Campus*, Hughniverse Podcast (Mar. 19, 2025), downloaded from <https://hughhewitt.com/leo-terrell-senior-counsel-to-the-attorney-general-for-civil-rights-on-crushing-anti-semitism-on-campus>, also available at <https://perma.cc/6YHF-VZKG>.

14. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from Edward R. Martin, United States Attorney for the District of Columbia, to William M. Treanor, Dean, Georgetown Law Center, (Feb. 17, 2025), downloaded from <https://www.ncronline.org/files/2025-03/3.7.24%20Ed%20Martin%20letter%20%20to%20Georgetown%20law.pdf>, and available at <https://perma.cc/JBE9-UJZK>.

15. Attached hereto as **Exhibit 10** is a true and correct copy of the following article: *Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness*, Columbia University Irving Medical Center (Mar. 3, 2025), downloaded from <https://news.columbia.edu/news/sleep-patterns-may-reveal-comatose-patients-hidden-consciousness>.

16. Attached hereto as **Exhibit 11** is a true and correct copy of the following article: *Nerves Electrify Stomach Cancer, Sparking Growth and Spread*, Columbia University Irving Medical Center (Feb. 19, 2025), downloaded from <https://www.cuimc.columbia.edu/news/nerves-electrify-stomach-cancer-sparking-growth-and-spread>, and available at <https://perma.cc/AE3J-R87L>.

17. Attached hereto as **Exhibit 12** is a true and correct copy of the following article: *Training Your Electronic Record to Think Like a Liver Doctor*, Columbia University Irving Medical Center (Feb. 20, 2025), downloaded from <https://www.cuimc.columbia.edu/news/training-your-electronic-health-record-think-liver-doctor>, and available at <https://perma.cc/B5LC-BU5H>.

18. Attached hereto as **Exhibit 13** is a true and correct copy of the following webpage: *Financial Overview*, Columbia University, downloaded from <https://www.columbia.edu/content/financial-overview>, last accessed on March 23, 2025.

19. Attached hereto as **Exhibit 14** is a true and correct copy of the following webpage: *Economic Engine for New York*, Columbia University, downloaded from <https://economicimpact.columbia.edu/>, last accessed on March 23, 2025.

20. Attached hereto as **Exhibit 15** is a true and correct copy of the following article: Ian Bogost, *A New Kind of Crisis for American Universities*, The Atlantic (Feb. 10, 2025), downloaded from <https://www.theatlantic.com/health/archive/2025/02/nih-trump-university-crisis/681634/>, and available at <https://perma.cc/4PD3-8SY4>.

21. Attached hereto as **Exhibit 16** is a true and correct copy of the following article: Willem Marx, *Campus Protests over the war in Gaza have gone international*, Nat'l Public Radio (May 3, 2024), downloaded from <https://www.npr.org/2024/05/03/1248661834/student-protests-gaza-universities-international>, and available at <https://perma.cc/WES8-P4Z5>.

22. Attached hereto as **Exhibit 17** is a true and correct copy of Executive Order No. 14188, titled "Additional Measures to Combat Anti-Semitism," available at 90 Fed. Reg. 8847 (January 29, 2025).

23. Attached hereto as **Exhibit 18** is a true and correct copy of the following press release: Office of Public Affairs, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. Dept. of Justice (Feb. 3, 2025), downloaded from <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>, and available at <https://perma.cc/KCF4-LB52>.

24. Attached hereto as **Exhibit 19** is a true and correct copy of the following press release: *U.S. Department of Education Probes Cases of Antisemitism at Five Universities*, U.S. Department of Education (Feb. 3, 2025), downloaded from

<https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>, and available at <https://perma.cc/M547-JNKP>.

25. Attached hereto as **Exhibit 20** is a true and correct copy of the following webpage: *Statement on Notice from U.S. Department of Education Office of Civil Rights*, Columbia University Office of Public Affairs (Feb. 3, 2025), downloaded from <https://communications.news.columbia.edu/news/statement-notice-us-department-education-office-civil-rights>.

26. Attached hereto as **Exhibit 21** is a true and correct copy of the following press release: *HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses*, U.S. General Services Administration (Mar. 3, 2025), downloaded from <https://www.gsa.gov/about-us/newsroom/news-releases/hhs-ed-and-gsa-announce-additional-measures-to-end-antisemitic-harassment-03032025>, and available at <https://perma.cc/7QHZ-E4KU>.

27. Attached hereto as **Exhibit 22** is a true and correct copy of a social media post of President Donald Trump (@realDonaldTrump), from Truth Social, posted on March 4, 2025, 7:30AM, downloaded from <https://truthsocial.com/@realDonaldTrump/posts/114104167452161158>.

28. Attached hereto as **Exhibit 23** is a true and correct copy of the following press release: *DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth \$400 million*, U.S. General Services Administration (Mar. 7, 2025), downloaded from <https://www.gsa.gov/about-us/newsroom/news-releases/doj-hhs-ed-and-gsa-announce-initial-cancellation-of-grants-and-contracts-03072025>, and available at <https://perma.cc/6GA5-JSB5>.

29. Attached hereto as **Exhibit 24** is a true and correct copy of the following article: Matthew Haag and Katherine Rosman, *Decades Ago, Columbia Refused to Pay Trump \$400 Million*, New York Times (Mar. 21, 2025), downloaded from <https://www.nytimes.com/2025/03/21/nyregion/trump-columbia-university-400-million.html>.

30. Attached hereto as **Exhibit 25** is a true and correct copy of the following webpage: Katrina Armstrong, *Responding to Federal Action*, Columbia University Office of the President (Mar. 7, 2025), downloaded from <https://president.columbia.edu/news/responding-federal-action>.

31. Attached hereto as **Exhibit 26** is a true and correct copy of a letter from Josh Gruenbaum, Sean R. Keveney and Thomas E. Wheeler, to Katrina Armstrong, Interim President of Columbia University (Mar. 13, 2025), downloaded from <https://static01.nyt.com/newsgraphics/documenttools/6d3c124d8e20212d/85dec154-full.pdf>, and available at <https://perma.cc/6ZZE-HRFF>.

32. Attached hereto as **Exhibit 27** is a true and correct copy of the following document: *Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia*, Columbia University Office of the President, downloaded from <https://president.columbia.edu/sites/default/files/content/03.21.2025%20Columbia%20-%20FINAL.pdf>, and available at <https://perma.cc/3FFS-4NR4>.

33. Attached hereto as **Exhibit 28** is a true and correct copy of the following press release: *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 (Mar. 24, 2025), downloaded from <https://www.hhs.gov/about/news/columbia-comply-anti-semitism-task-force-preconditions-met.html>.

34. Attached hereto as **Exhibit 29** is a true and correct copy of a social media post posted by the National Institutes of Health, @NIH, on X.com (Mar. 10, 2025), downloaded from <https://x.com/nih/status/1899196680270238173>, and available at <https://perma.cc/USJ7-74AS>.

35. Attached hereto as **Exhibit 30** is a true and correct copy of the following article: Caroline Lewis, *Hundreds of research grants at Columbia canceled following Trump edict, administrator says*, Gothamist (Mar. 11, 2025), downloaded from <https://gothamist.com/news/hundreds-of-research-grants-at-columbia-canceled-following-trump-edict-administrator-says>, and available at <https://perma.cc/H7E3-TVKY>.

36. Attached hereto as **Exhibit 31** is a true and correct copy of a spreadsheet published online by the U.S. Department of Health & Human Services entitled “HHS Grants Terminated”, downloaded from https://taggs.hhs.gov/Content/Data/HHS_Grants_Terminated.pdf, last accessed March 24, 2025, and available at <https://perma.cc/CZJ6-LDP9>.

37. Attached hereto as **Exhibit 32** is a true and correct copy of the following article: Ryan Quinn, *Trump’s Columbia Cuts Start Hitting Postdocs, Professors*, Inside Higher Ed. (Mar. 13, 2025), downloaded from <https://www.insidehighered.com/news/faculty-issues/research/2025/03/13/trumps-columbia-cuts-start-hitting-postdocs-professors>.

38. Attached hereto as **Exhibit 33** is a true and correct copy of the following article: Humberto Basilio, *‘My career is over’: Columbia University scientists hit hard by Trump team’s cuts*, Nature (Mar. 14, 2025), downloaded from <https://www.nature.com/articles/d41586-025-00812-x>.

39. Attached hereto as **Exhibit 34** is a true and correct copy of the following article: Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*,

New York Times, (Mar. 18, 2025), downloaded from

<https://www.nytimes.com/2025/03/18/nyregion/columbia-research-grants-trump.html>.

40. Attached hereto as **Exhibit 35** is a true and correct copy of the following article:

Jason Mast, *Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research*, STAT News, (Mar. 11, 2025), downloaded from

<https://www.statnews.com/2025/03/11/columbia-scientists-reel-grant-cancellations-hit-broad-suite-research/>.

41. Attached hereto as **Exhibit 36** is a true and correct copy of the following article:

Isabella Cueto, *ME/CFS research program shuts down at Columbia after Trump cuts*, STAT News (Mar. 19, 2025), downloaded from [https://www.statnews.com/2025/03/19/myalgic-](https://www.statnews.com/2025/03/19/myalgic-encephalomyelitis-chronic-fatigue-syndrome-columbia-program-shutdown/)

[encephalomyelitis-chronic-fatigue-syndrome-columbia-program-shutdown/](https://www.statnews.com/2025/03/19/myalgic-encephalomyelitis-chronic-fatigue-syndrome-columbia-program-shutdown/).

42. Attached hereto as **Exhibit 37** is a true and correct copy of the following

document: *Open letter in response to federal funding cuts at Columbia* (Apr. 1, 2025),

downloaded from <https://drive.google.com/file/d/1E-0lkZCSzUbrBpyxCRSM-rIU8Xdh9Xbe/view>, and available at <https://perma.cc/9AJT-JCN5>.

43. Attached hereto as **Exhibit 38** is a true and correct copy of the following article:

Mark Alfred, *The Trump Administration Cut Cancer and Alzheimer's Research Funding at Columbia University*, NOTUS, (Mar. 18, 2025), downloaded from <https://www.notus.org/health-science/columbia-university-grant-cuts>.

44. Attached hereto as **Exhibit 39** is a true and correct copy of the following

webpage: Thomas Bailey, *Update in Light of March 7 Federal Announcement*, Teachers College Columbia University (Mar. 7, 2025), downloaded from

<https://www.tc.columbia.edu/articles/2025/march/update-in-light-of-march-7-federal-announcement/>, and available at <https://perma.cc/Z9G7-N2ZY>.

45. Attached hereto as **Exhibit 40** is a true and correct copy of the following article: Jocelyn Kaiser, *After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts*, Science (Mar. 18, 2025), downloaded from <https://www.science.org/content/article/after-columbia-s-nightmare-dozens-more-universities-brace-trump-nih-cuts>.

46. Attached hereto as **Exhibit 41** is a true and correct excerpt of the Congressional Record from April 7, 1964, statement of Senator Pastore, downloaded from <https://www.congress.gov/88/crecb/1964/04/07/GPO-CRECB-1964-pt6-1-1.pdf>, and available at <https://perma.cc/95VE-5QL8>.

47. Attached hereto as **Exhibit 42** is a true and correct excerpt of the Congressional Record from February 7, 1964, statement of Rep. Willis and Rep. Lindsay, downloaded from <https://www.congress.gov/88/crecb/1964/02/07/GPO-CRECB-1964-pt2-8-2.pdf>, and available at <https://perma.cc/WJK5-8K7G>.

48. Attached hereto as **Exhibit 43** is a true and correct copy of the following article: Abigail A. Graber, *Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964*, Congressional Research Service, Sep. 17, 2024, downloaded from <https://www.congress.gov/crs-product/LSB11129>.

49. Attached hereto as **Exhibit 44** is a true and correct copy of the following article: Jared P. Cole, *Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of 1964*, Congressional Research Service, Apr. 4, 2019, downloaded from <https://www.congress.gov/crs-product/R45665>.

50. Attached hereto as **Exhibit 45** is a true and correct copy of the Case Processing Manual of the U.S. Department of Education Office for Civil Rights, February 19, 2025, downloaded from <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf>, and available at <https://perma.cc/3KZL-DJQG>.

51. Attached hereto as **Exhibit 46** is a true and correct copy of the following webpage: Minouche Shafik, *Upholding Our Values*, Columbia University Office of the President (Oct. 18, 2023), downloaded from <https://president.columbia.edu/news/upholding-our-values>.

52. Attached hereto as **Exhibit 47** is a true and correct copy of the following webpage: Minouche Shafik, *Standing in Solidarity*, Columbia University Office of the President (Oct. 27, 2023), downloaded from <https://president.columbia.edu/news/standing-solidarity>.

53. Attached hereto as **Exhibit 48** is a true and correct copy of the following webpage: *Task Force on Antisemitism*, Columbia University, downloaded from <https://www.columbia.edu/content/task-force-antisemitism>.

54. Attached hereto as **Exhibit 49** is a true and correct copy of the following webpage: Minouche Shafik, Laura Ann Rosenbury, Thomas R. Bailey, *Announcing Task Force on Antisemitism*, Columbia University Office of the President (Nov. 1, 2023), downloaded from <https://president.columbia.edu/news/announcing-task-force-antisemitism>.

55. Attached hereto as **Exhibit 50** is a true and correct copy of the following webpage: *About the Task Force on Antisemitism*, Columbia University, downloaded from <https://www.columbia.edu/content/about-task-force-antisemitism>.

56. Attached hereto as **Exhibit 51** is a true and correct copy of the following webpage: *Report #1: Task Force on Antisemitism*, Columbia University (Mar. 2024), downloaded from <https://www.columbia.edu/content/report-1-task-force-antisemitism>.

57. Attached hereto as **Exhibit 52** is a true and correct copy of the following webpage: *President Shafik Welcomes the First Set of Recommendations from the Task Force on Antisemitism*, Columbia University Office of the President (Mar. 4, 2024), downloaded from <https://president.columbia.edu/news/president-shafik-welcomes-first-set-recommendations-task-force-antisemitism>.

58. Attached hereto as **Exhibit 53** is a true and correct copy of the following webpage: *Report #2: Task Force on Antisemitism*, Columbia University (Aug. 2024), downloaded from <https://www.columbia.edu/content/report-2-task-force-antisemitism>.

59. Attached hereto as **Exhibit 54** is a true and correct copy of the following webpage: *Combating Antisemitism*, Columbia University Office of the President, downloaded from <https://president.columbia.edu/content/combating-antisemitism>.

60. Attached hereto as **Exhibit 55** is a true and correct copy of the following webpage: *University Statement Regarding UJB Determinations*, Columbia University Office of Public Affairs (Mar. 13, 2025), downloaded from <https://communications.news.columbia.edu/news/university-statement-regarding-ujb-determinations>.

61. Attached hereto as **Exhibit 56** is a true and correct copy of the following press release: *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), downloaded from <https://www.justice.gov/opa/pr/federal-task-force-combat-antisemitism-announces-visits-10-college-campuses-experienced>, and available at <https://perma.cc/LPX4-URGP>.

62. Attached hereto as **Exhibit 57** is a true and correct copy of the following press release: *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 (Mar. 10, 2025), downloaded from <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment>, and available at <https://perma.cc/KK4X-39Q9>.

63. Attached hereto as **Exhibit 58** is a true and correct copy of the following article: Maya Sulkin, *Columbia President Says One Thing to Trump Admin—and Another in Private*, The Free Press (Mar. 25, 2025), downloaded from <https://www.thefp.com/p/columbia-president-says-one-thing>, and available at <https://perma.cc/RTG2-QLDU>.

64. Attached hereto as **Exhibit 59** is a true and correct copy of the following webpage: *A Message from Dr. Katrina A. Armstrong*, Columbia University Office of Public Affairs (Mar. 28, 2025), downloaded from <https://communications.news.columbia.edu/news/message-dr-katrina-armstrong>.

65. Attached hereto as **Exhibit 60** is a true and correct copy of the following press release: *Joint Task Force statement regarding Columbia University's steps to advance negotiations* (Mar. 28, 2025), downloaded from <https://www.gsa.gov/about-us/newsroom/news-releases/joint-task-force-statement-regarding-columbia-universitys-steps-to-advance-03282025>, and available at <https://perma.cc/36BV-5XKB>.

66. Attached hereto as **Exhibit 61** is a true and correct copy of the following article: Eugene Volokh, Michael C. Dorf, David Cole, and 15 other scholars, *A Statement from Constitutional Law Scholars on Columbia*, The New York Review of Books (Mar. 20, 2025),

downloaded from <https://www.nybooks.com/online/2025/03/20/a-statement-from-constitutional-law-scholars-on-columbia/>, and available at <https://perma.cc/Z3G5-4ZNS>.

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

Dated: April 3, 2025

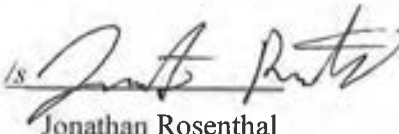
Signed: 
Jonathan Rosenthal
Counsel for Plaintiffs

EXHIBIT 1

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September 3, 2020 12:00AM EDT | Dispatches

Hungary Continues Attacks on Academic Freedom

EU Should Act to Ensure Autonomy of Universities

**Lydia Gall**

Senior Researcher, Eastern Europe and Western Balkans

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Students barricading themselves at the University of Theatre and Film Arts, displaying banners reading, “We stand up for the freedom of our university” and “We won’t stay silent,” Budapest, Hungary, September 2, 2020. © 2020 Lydia Gall/Human Rights Watch

English

DONATE NOW

In its latest attack on academic freedom and free expression, the Hungarian government has placed control of the University of Theatre and Film Arts in Budapest into the hands of Prime Minister Orban loyalists. The [school’s entire administration and several teachers have resigned in protest](#). Since August 31, students have barricaded themselves inside the university and blocked the entrance.

A new [law, which came into effect](#) September 1, transferred ownership of the state-run theater university to a private foundation whose members have close links to the Orban government. The Ministry of Technology and Innovation [appointed five members to the new board of trustees](#), rejecting members proposed by the university’s senate – the university’s main decision-making body. The government claims the university will be more independent in private ownership. But the government effectively controlled all appointments to the supervisory board and the board of trustees, making that “independence” claim ring hollow.

In fact, the school’s senate has been effectively deprived of its decision-making powers on budgetary, organizational, and staffing issues. And those on the supervisory board, who have no knowledge of arts, are former advisors or rich businessmen loyal to Orban.

These autocratic and illiberal moves have become trademarks of the Orban government, which has spent [the last decade dismantling rule of law, curbing free press](#), and exerting control over academia and sciences in an effort to root out teaching or scientific research that counter the conservative government’s agenda. Examples include [shutting down the Central European University, banning gender studies, and stripping the Academy of Sciences](#) of its autonomy.

Meanwhile, Hungary is under scrutiny by the European Commission for repeated failures to comply with European Union law, [including article 7 proceedings](#) – a mechanism that scrutinizes governments putting the EU’s values at risk, and which could strip Hungary of its EU voting rights. The EU is also discussing [tying funding to respect for the rule of law](#). This latest example of disregard for freedom of expression and independent academia showcases the urgency with which EU institutions need to act to reverse the Orban government’s rights-abusing trajectory.

In the meantime, students protesting at the University of Theatre and Film Arts say they won’t give up until their demands are met, including the resignation of the new board of trustees and supervisory board, as well as a veto over the school and a court-paid out government interference.

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EXHIBIT 2



Middle East Research and Information Project:
Critical Coverage of the Middle East Since 1971



Turkey's Purge of Critical Academia



Muzaffer Kaya *In: 288 (Fall 2018)*



Academic freedom has always been limited and under threat by the state in Turkey. But since the beginning of 2016, academic freedom in Turkey—and the broader field of higher education—has been subject to a sustained campaign of state repression that is unprecedented in the history of the Turkish Republic.

The crackdown on academia undertaken by President Recep Tayyip Erdoğan and his ruling Justice and Development Party (AKP) began in early 2016 with the repression of the group of anti-war university professors and scholars who became known as the “Academics for Peace.” It was followed by an all-out government purge of higher education—including the mass expulsion of more than 6,000 academics and the prosecution of hundreds more, university closures and institutional restructuring—during the emergency rule that followed the failed July 2016 coup attempt against President Erdoğan. Authorities also routinely interfere with student protests on campus and monitor academic research on sensitive topics.

The unprecedented government intervention since 2016 has caused irreparable damage to higher education, creating a climate of fear and self-

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support base. In the same period, private entrepreneurs, including many religious sects, notably the Gülenist organization, began to invest in the increasingly profitable “university sector” by establishing new universities. Between 2005 and 2015, the number of universities increased from 94 to 221 and the number of faculty members increased from 79,555 to 147,969. During this period, private universities increased from 28.7 percent to 41.2 percent of the total number of universities.[3]

In this context, three different types of universities emerged as the norm within Turkish higher education: a small number of higher tier public and private universities in the metropolises; lower tier private universities that serviced the lower classes mostly located in the metropolises; and lower tier public universities located mostly in smaller and middle-sized cities. The last two types of institutions became popularly known as “signage universities” (*tabela üniversiteleri*) due to their prominent advertising but lack of necessary infrastructure and staffing. The academic positions in the latter two categories were often filled by those close to the AKP government and the religious sects, regardless of merit.

Before it came to power in 2002, the AKP had promised to abolish YÖK in order to democratize higher education. After coming to power, taking control of YÖK became the party’s main priority. The election of Erdoğan’s second in command, Abdullah Gül, as Turkey’s president in 2007, brought YÖK under AKP control because the majority of its board members were appointed by the president. YÖK’s priority during this period was lifting the head-scarf ban in universities, a continuous source of dispute between secularists and Islamists since the 1980s. The 2010 constitutional referendum enabled the government to reconfigure and dominate higher judicial bodies, breaking the resistance against abolishing the head-scarf ban, the only act by YÖK that improved freedom in higher education. Scholars who conducted research in sensitive issues like the Kurdish question or took an overtly political stance with their academic work, however, continued facing repression by university administrations and the government.[4]

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Cracking Down on Academics for Peace

On January 11, 2016, a petition titled “We Will Not Be a Party to This Crime!” signed by 1,128 academics was released by the Academics for Peace Initiative. [5] The petition strongly criticized human rights violations by Turkish security forces taking place during renewed fighting in Kurdish cities in the southeast, and urged the AKP government to resume peace negotiations with the Kurdish movement that had collapsed after the June, 2015 elections. The Turkish military had just launched a major assault upon several Kurdish cities, resulting in more than 100 civilian casualties—including babies, children and elderly people—as well as the displacement of hundreds of thousands of Kurdish people and the total destruction of several urban areas.[6]

The petition for peace had a tremendous impact at a time when anti-war opposition in the western part of the country was silenced by state repression and ISIS attacks on Kurdish communities.[7] A day after its announcement, Erdoğan accused the signatories of treason and supporting terrorists. Public prosecutors and university administrations quickly started investigations, and the pro-government media launched a smear campaign against the Academics for Peace. Despite these assaults even more Turkish academics signed it, raising the number of signatories from 1,128 to 2,212. In solidarity, 2,279 foreign academics also signed the petition.

Soon after the petition was released, a number of signatories were suspended in several universities and forced to resign from their administrative positions; others were threatened by ultra-nationalist groups inside and outside the campuses. The suspensions began in private universities where employment was more insecure. In some cities, criminal investigations were launched by public prosecutors resulting in home raids and detentions of signatories. The four academics who read a second press release against these investigations and dismissals were imprisoned for 40 days and a criminal case was filed against them for spreading “terrorist propaganda.” Approximately 100 Academics for Peace signatories were dismissed from their positions before the state of emergency was declared in July 2016.[8]



Post-Coup Purge

The growing repression within academia significantly worsened after the state of emergency was declared on July 21, 2016, following the failed military coup attempt against Erdoğan. The coup leaders were alleged to have secret relations with the Gülen organization, which had invested heavily in universities and had developed a considerable network of support institutions in the education field, both within Turkey and abroad. The Gülen organization had been closely allied with the AKP until 2013 and had taken over key positions in the state bureaucracy (primarily in education, the judiciary, the army and police) in return for their political allegiance. In fact, academics affiliated with this organization had actively supported the purge of both Academics for Peace and leftist academics until they too were eliminated by Erdoğan after the failed coup.

The state of emergency lasted for two years—from July 21, 2016 to July 19, 2018. During this period nearly 150,000 civil servants were expelled through emergency decrees without any juridical oversight. The largest share of this enormous purge took place in the educational field: 41,705 employees (30 percent of total expulsions) were expelled from educational institutions.^[9] 6,081 academics and 1,427 administrative staff from 122 universities including 300 graduate students studying abroad with state scholarships were also dismissed.^[10] 15 private universities were shut down. 2,808 academics working in these universities lost their jobs and 64,533 students were transferred to other universities.^[11] Even though the majority of expulsions were of civil servants accused of association with the Gülen organization, many Academics for Peace, civil servants associated with the Kurdish movement, trade unionists and leftist activists were also added to the expulsion lists. A total of 407 Academics for Peace signatories were dismissed from their positions by the emergency decrees, bringing the total number who lost their jobs to 519.^[12]

The dismissal of so many academics during the state of emergency was a chaotic and arbitrary process without any judicial oversight. The “to be expelled” lists were prepared by the university administrations.^[13] The few

universities where massive dismissals did not take place were the ones who did not submit any “to be expelled” lists to the YÖK. The majority of university rectors, however, submitted “to be expelled lists” with great eagerness in order to ingratiate themselves with the government.

Those dismissed by the emergency decrees were both prohibited from working in another public institution and unable to work in the private sector due to an inscription on their insurance register. They were effectively banned from travelling internationally because their passports were invalidated. In the words of a pro-government columnist, they were sentenced to “civil death.”^[14] In some cases, however, this “civil death” led to the literal termination of lives: 37 of the expellees committed suicide out of despair due to these unjust and severe sanctions.^[15]

     The persecution of the Academics for Peace has not been limited to academic expulsion. 434 academics are facing charges for “terrorist propaganda,” with more on the way.^[16] Although signing the petition for peace was a collective action, prosecutors have sought to isolate each signatory by opening individual investigations in different courthouses, beginning in December, 2017. 33 signatories have been sentenced to prison for 15 months, which was delayed through a conditional process called “the deferral of the verdict” that requires the acquitted to refrain from breaking the law for five years, at the end of which the sentence is annulled.^[17]

In addition to mass expulsions, additional laws and regulations were enacted to increase the recruitment of government loyalists to the academy. Perhaps the most effective procedure to ensure political conformity is the new obligatory “security clearance” required for all academic appointments, granted by the National Security Department only if the person in question is not considered to be a security threat. Furthermore, an emergency decree issued in October, 2016 gave the president direct authorization to appoint university rectors and, in some cases, to bypass the academic qualifications historically necessary for such appointments. For example, Yusuf Tekin, the former undersecretary of the Ministry of Education of the AKP, who had been

a professor for only one month, was appointed rector of a newly established university in Ankara.

Moreover, an amendment to the law of higher education in December 2016 subjected faculty to strict disciplinary codes and directives, such as the directive to not “make statements or give information to the press, news agencies, radio and TV channels without having been assigned an authority.”^[18] The new disciplinary code and regulations make it nearly impossible for academics to inform the public about social problems or to conduct scientific research that may have a critical tone. This policy forces dissident academics who have not yet lost their positions into silence and self-censorship; many dissident academics have simply moved abroad.^[19] Students have been adversely affected due to the decrease in the overall quality of education and an increase in police violence on campuses. Boğaziçi University, one of the most autonomous and top-tier universities in Turkey, has experienced the routinization of police violence on its campuses. Students protesting against supporters of the Turkish military invasion of the Kurdish city of Afrin in Syria in March, 2018 were arrested, tortured and imprisoned for three months; 22 await pending trials.^[20] The Boğaziçi University rector appointed by Erdoğan issued a declaration condemning his own students rather than supporting their freedom of speech.^[21]

Resisting Academic Expulsion

Despite government repression and the criminalization of many individuals within academia, academics are engaged in ongoing and often courageous struggles to protect their own professional values and academic freedom. The collective efforts of expelled academics to survive, to continue their professional work and to support the struggles for peace and democracy in Turkey should also be taken into consideration when considering the repressive crackdown on the field of higher education.^[22]

Most of the Academics for Peace signatories continue to defend their stand for peace and democracy, including those behind prison bars and in the courts. Against the isolation policies of the government, they have organized

collective resistance with the support of other democratic social forces. They formed a coordinating body to collectively follow the individual cases in order to counter the prosecutors' isolation tactics.^[23] They established solidarity networks to provide their expelled colleagues economic and legal support, in which the teachers union Eğitim-Sen has played a vital role. Academics for Peace members also established alternative educational centers under the name of "Solidarity Academies" in eight cities where they have been dismissed in large numbers. They organize open lectures, conferences, workshops and summer schools. Despite their limited financial resources, with international support "Solidarity Academies" may be able provide a new institutional framework where critical thinking purged from the universities can flourish, though they face considerable challenges.^[24]

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With Erdoğan and the AKP establishing a one-man constitutional dictatorship through the newly enshrined "Turkish-style presidential system," it appears that universities are being restructured to reflect and uphold this new system. Academic freedom and institutional autonomy, always weak in Turkey, have now been wiped out completely. The expulsion of the Academics for Peace and other independent scholars signifies the possible elimination of critical thought from academia in Turkey. Although different, the purges against alleged Gülenist academics are also part of the broader intimidation of academia and society by the state. This intimidation seems to have worked so far. The academics whom Erdoğan favorably defines as "domestic and national" are currently those occupying the administrative bodies of Turkish higher education. At the present, the government has absolute control over the universities. The struggle, however, continues and the outcome is far from determined as academics create new spaces to produce critical knowledge and practices.

Endnotes

^[1] Most of these faculty members were able to return to their positions at universities in the early 1990s.

[2] Even though they are legally described as “foundation universities,” these universities actually are run by their owners according to commercial principles.

[3] Yüksek Öğretim Kurumu, İstatistikler.

[4] GIT Türkiye, *Türkiye’de Araştırma Özgürlüğü ve Akademide Hak İhlalleri* (Istanbul: Mayıs, 2013).

[5] An initiative established by a group of academics to promote a peaceful solution to the Kurdish problem in Turkey by conducting critical academic research in the field in 2012 during the hunger strikes by the Kurdish political prisoners.

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[10] THİV Akademi, “Bülten 2: OHAL Koşullarında Üniversite,” June, 2018.

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[14] Cem Küçük, "'Medeni Ölüm' Mekanizmaları!," *Star*, January 16, 2016.

[xv] THİV Akademi, "Bülten 2: OHAL Koşullarında Üniversite," June 2018.

[15] "Rights Violations against Academics for Peace," October 27, 2018.

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[18] Bilim Akademisi, "Akademik Özgürlükler Raporu 2016-2017," August 9, 2017.

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[20] "Boğaziçili Öğrencilerin Tamamı Tahliye Edildi," *Bianet*, June 6, 2018.

[21] "Boğaziçi Üniversitesi Rektörlüğü'nden Açıklama," *Bianet*, March 21, 2018.

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How to cite this article:

Muzaffer Kaya "Turkey's Purge of Critical Academia," *Middle East Report* 288 (Fall 2018).

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EXHIBIT 3

LATIN AMERICA

COVID-19

ACADEMIA

THE CRISIS OF BRAZILIAN UNIVERSITIES: HIGHER EDUCATION UNDER BOLSONARO

INTERVIEW The attack on science and knowledge production is known to be one of the main elements of the rise of the authoritarian right in the past decade. As one of the main global expressions of contemporary authoritarianism, Jair Bolsonaro is no exception to that. His government has been an important part of the context of difficulties for the higher education sector in Brazil, especially since research is highly dependent on public universities and funding agencies in the country. On top of that, the COVID pandemic in 2020 created difficulties for universities all around the world. If such a global crisis is expected to generate differentiated pressures across the Global North and South, the impact of authoritarian politics is surely prone to making the situation particularly delicate for universities.

© FOTOS: ROBSON CARNEIRO AND FILIPE MENDONÇA

BY PEDRO SALGADO
22. JULI 2021

The crisis that haunts Brazilian Universities precedes in many ways the current authoritarian far-right government, and yet it is severely aggravated by it. To provide some insight on how these elements are currently combined, I reached out to two higher education workers from the Federal University of Uberlandia (UFU). Filipe Mendonça is a professor of International Relations, a former vice-president of the union for UFU's academic staff (ADUFU) who recently became the director for the local postgraduate programme on International Relations (PPGRI-UFU; although he remarks that the answers below reflect his own personal views, and not those of the programme). Robson Carneiro is a member of UFU's administrative staff since 2009, being directly involved as an activist in the category's union (SINTET-UFU, which he currently presides) since 2016. I posed the same four questions to each of them, which were transcribed and translated as follows.

How are the attacks by the Bolsonaro government perceived by the University?

Filipe: The austerity policies commanded by Bolsonaro and his minister of economics, Paulo Guedes, have strangled Brazilian public service as a whole. The constitutional amendment popularly known as teto dos gastos (expenditure limit), allied to the ultra-liberal measures spearheaded by Guedes is responsible for serious disturbances on public education in its entirety. It is not known, for instance, whether Universities will have the budget to cover for their expenses until the end of 2021. This policy of defunding universities forbids new hirings and strangles the financing of research, especially in the case of the humanities (which are constantly targeted by bolsonarismo).

Besides these economic attacks, bolsonarismo^[1] also offers a great deal of anti-intellectualism. This means that, in general, universities and intellectuals are broadly held by the president and his supporters as "enemies of the people". As a result, the president himself and his sons have deployed many

tactics to discredit public universities. The last minister of education, Abraham Weintraub, was an important part of these plans.

The anti-intellectualism displayed by Bolsonaro and his allies is extremely dangerous. Before the pandemic, it was displayed in countless policies completely out of touch with reality. Its most dramatic turn came precisely because of the pandemic, when pseudoscience took form of a range of magical solutions for COVID-19, which took Brazil to the second place in global ranks of deaths per capita.

Robson: Among UFU non-academic staff we find a wide range of views on Bolsonaro's regime. A first part of the workers ignores the dangers presented by him, and his far-right ideology. A second one supports him unconditionally, for reasons that still challenge our understanding of bolsonarismo. The third, and fortunately the largest one by far, is extremely critical of the president and of everything he represents. The university has been heavily affected by bolsonarismo since 2019, through its brutal enforcement of the constitutional reform that freezes public investment (actually a product of Temer's government^[2]). There have been many violations of the universities' autonomy, especially on cases where the internal democratic processes are bypassed by the appointment non-elected chancellors.

How has the rise of authoritarianism impacted activism and research at UFU?

Filipe: Bolsonaro's authoritarianism has affected the research conducted at PPGRI-UFU in direct and indirect ways. In a direct sense, as I mentioned above, there are deep budget cuts that target research funding and the functioning of universities as a whole, added to a general harassment of intellectuals that is typical of bolsonarismo.

Indirectly, I have also noticed that many colleagues are avoiding adopting clear stances against the government, as a way of protecting themselves from political persecution. In other words, there is some degree of "self-censorship" among Brazilian scholars. Which is understandable, given how real this danger has been under Bolsonaro: the ministry of justice, the federal police, and ABIN (Brazil's intelligence agency) have been mobilised to monitor researchers' use of social networks and directly intimidate them.

In sum, it is a tough scenario for research in Brazil. Some groups have also been looking for partnerships with foreign research networks to avoid domestic persecution.

Robson: SINTET-UFU has not been directly targeted by Bolsonaro's authoritarianism, but many difficulties were encountered as outcomes of the postures disseminated by the president. The main example was the judicialization of a peaceful democratic demonstration in Uberlandia, in a clear case of intimidation by the police and the judiciary system. The absence of more serious cases does not mean that the government is "not that bad". Instead, it is because of the union's own combative posture and the support it finds among workers. We do not let ourselves be intimidated.

The pandemic has posed many challenges for Universities over the past 18 months, and still they manage to be an important part of actions and campaigns against the virus, despite the president's insistence on denying the pandemic's relevance (which became an important part of his genocidal agenda). How did his actions affect UFU's attempts to cope with these difficult times?

Filipe: The pandemic gave us plenty of proof that bolsonarismo kills. That became clear in the many policies of viral dissemination promoted by the current Brazilian government. It has increased uncertainties, and contributed to extend the crises indefinitely.

Universities have suffered from it in many ways. The sudden switch to online teaching, although understandable in this scenario, has left many students behind. Besides that, there is a generalized concern that this forced migration to virtual environments might be used as an argument to implement a broad transition towards long-distance and asynchronous teaching in Brazil, both in public and private universities. This is a major concern, since, in such a large and unequal country, face-to-face teaching is a strategic pedagogical tool to increase the quality of teaching and reduce social inequalities.

Robson: Universities have faced huge challenges throughout Brazil not only because of the pandemic, but also through the posture adopted by the current government, constantly rejecting scientific knowledge and all forms of education. During the pandemic, UFU in particular struggled with this rejection of science also through Uberlandia's mayor. Instead of reaching out to UFU as an ally in the city's efforts to contain the spread of the virus, he followed the postures adopted by the president and disqualified the University's role and potential. It took a lot of effort by many actors in the city, among which SINTET played an important role, to challenge the mayor and defend the University's image and its many contributions to society.

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Massive street demonstrations against Bolsonaro took place across Brazil in 2021 (May 29 and June 19). How were they perceived? What are the next challenges in the fight against authoritarianism?

Filipe: The Brazilian Left decided to face the paradox: occupy the streets, even facing the possibility of a third wave of the COVID pandemic, or continue resisting to Bolsonaro's regime from home. After 18 long months, the option of protesting on the streets grew in popularity (although it is by no means consensual). It seems correct to say that bolsonarismo became itself a bigger danger than the virus.

Personally, I support these protests, although the measures ensuring sanitary safety must be observed. This is the only way of containing the advance of authoritarianism in Brazil, which has occupied the streets with clear support from the military since the early days of the pandemic.

The coming year will be a decisive one in Brazilian history. In general, the next election will serve not only to appoint the next president, but will effectively also represent a referendum on the current constitution. It has sustained the fragile Brazilian democracy through its ups and downs for the past 32 years, and it has not been through a more strenuous test than this.

Robson: Recent protests against Bolsonaro were an important demonstration of strength from the popular opposition to his government. If crowds are still not as large as we would like, they were significant given the long and ongoing period of isolation during which we have struggled to find new forms of activism, even adopting a model traditionally employed by the right: to do demonstrations in cars (carreata). We still had uncertainties about how to do this kind of large demonstrations, given that the pandemic is far from over. Thanks to the discipline and responsibility of everyone involved, we were able to safely mobilize over 4,000 people in Uberlandia in each of these demonstrations. Next challenges include maintaining the current level of safety and social distancing, increasing the volume of people on the streets. Of course, if vaccination proceeds, people will feel progressively safer to participate in these demonstrations. But perhaps the biggest challenge, besides maintaining the viral containment measures, is to spread among the population the notion that it is crucial to dismantle the current government as quickly as possible. We cannot think of "bleeding out" the government until the next election in 2022 when it can be defeated by popular vote. Our health, our economy, our education, and the entire country cannot continue to be submitted to this government's nonsense for another year. Adopting

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this strategy means allowing this suffering to continue for another year, and our people do not deserve that.

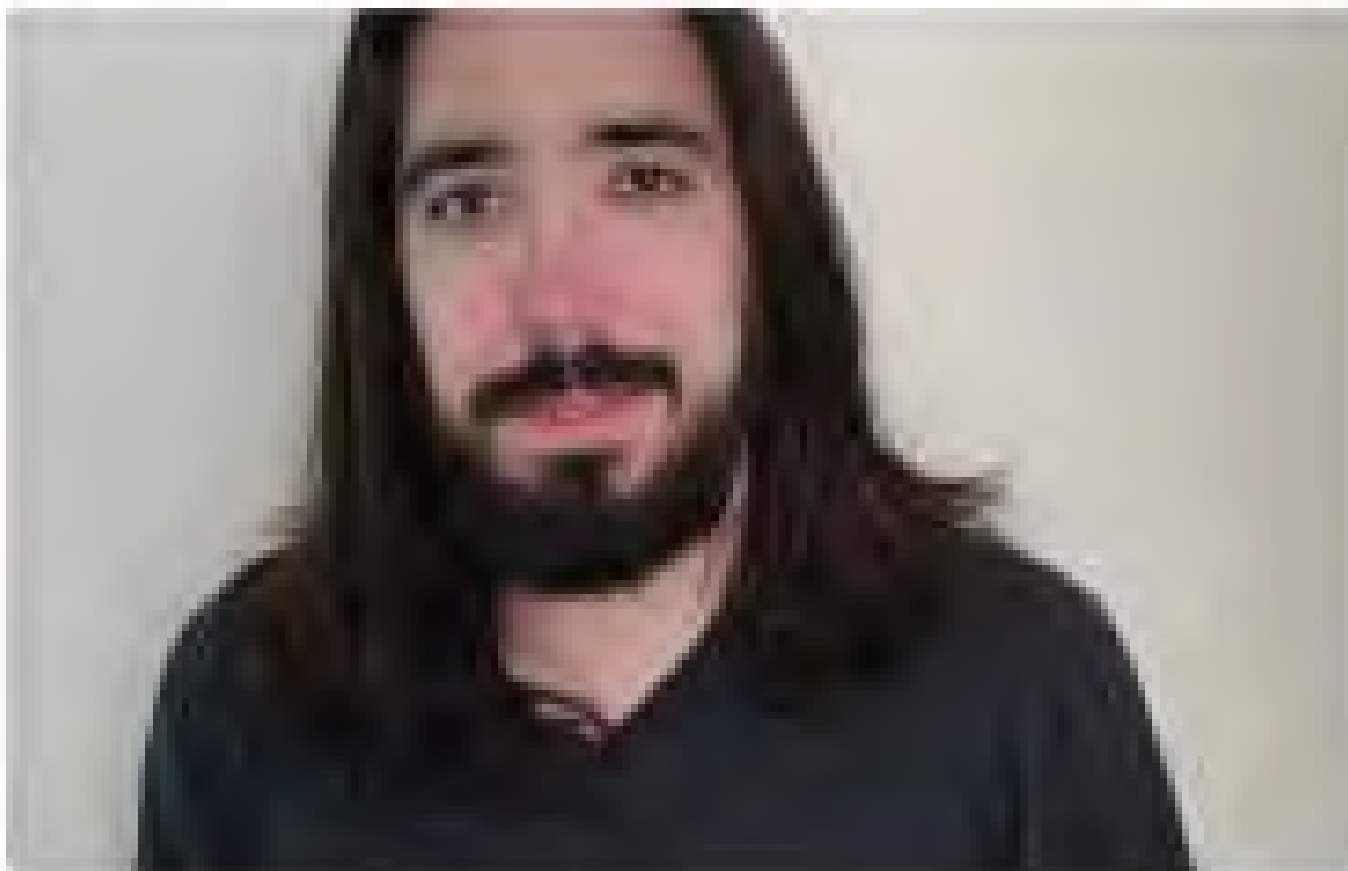
[1] The notion of bolsonarismo used by both interviewees appears on Brazilian public discourse as the ideology shared – even if loosely – by social forces that support Bolsonaro and have led him to the presidency. It should be understood here as a descriptive term, not as a theoretical category. For a discussion of what it entails, see the edited volume *O Ódio como Política: a reinvenção das direitas no Brasil* (org. Esther Solano Gallego, Boitempo Editorial, 2018), and the special report *Quem são e no que acreditam os eleitores de Jair Bolsonaro*, organised in 2018 by Isabela Kalil (available [here](#))

[2] Michel Temer was the president in charge before Bolsonaro was elected. Temer came into power himself through the parliamentary coup against Dilma Rousseff. The 95th Constitutional Amendment was one of the main legacies of Temer's government. Known as *teto dos gastos* and *pec da morte* (death's amendment), it creates a new regulation of the state's budget that limits its expenses to the values of 2015 (adjusted for inflation). For more detail on the coup against Rousseff and Temer's role in the rise of Bolsonaro, see *The Edge of Democracy* (Costa, 2018, Netflix).

AUTHORS

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EXHIBIT 4

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Agenda47: Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions

July 17, 2023



Agenda47: Protecting Students from the Radical Left and Marxist Maniacs



Mar-a-Lago, FL— In an Agenda47 policy video, President Donald J. Trump announced his plan to reclaim our once great educational institutions from the

JA226

radical Left and Marxist maniacs.

President Trump will protect American students, impose real standards on higher education, and hold colleges and universities accountable.

"For many years, tuition costs at colleges and universities have been exploding, and I mean absolutely exploding while academics have been obsessed with indoctrinating America's youth," President Trump said. "The time has come to reclaim our once great educational institutions from the radical Left, and we will do that."

President Trump has pledged to fire the radical Left accreditors that have allowed our colleges to become dominated by Marxist Maniacs and Lunatics.

He will impose real standards on American colleges and universities, to include defending the American tradition and Western civilization, protecting free speech, eliminating wasteful administrative positions that drive up costs, removing all DEI bureaucrats, offering options for accelerated and low-cost degrees, providing meaningful job placement and career services, and implementing college entrance and exit exams to prove that students are getting their money's worth.

Once back in the White House, President Trump will direct the Department of Justice to pursue federal civil rights cases against schools that continue to engage in racial discrimination and will advance a measure to have schools that continue these illegal and unjust policies fined up to the entire amount of their endowment.

TRANSCRIPT

For many years, tuition costs at colleges and universities have been exploding, and I mean absolutely exploding while academics have been obsessed with indoctrinating America's youth. The time has come to reclaim our once great educational institutions from the radical Left, and we will do that.

Our secret weapon will be the college accreditation system. It's called accreditation for a reason.

The accreditors are supposed to ensure that schools are not ripping off students and taxpayers, but they have failed totally. When I return to the White House, I will fire the

radical Left accreditors that have allowed our colleges to become dominated by Marxist Maniacs and lunatics.

We will then accept applications for new accreditors who will impose real standards on colleges once again and once and for all.

These standards will include defending the American tradition and Western civilization, protecting free speech, eliminating wasteful administrative positions that drive up costs incredibly, removing all Marxist diversity, equity, and inclusion bureaucrats, offering options for accelerated and low-cost degrees, providing meaningful job placement and career services, and implementing college entrance and exit exams to prove that students are actually learning and getting their money's worth.

Furthermore, I will direct the Department of Justice to pursue federal civil rights cases against schools that continue to engage in racial discrimination. And schools that persist in explicit unlawful discrimination under the guise of equity will not only have their endowment taxed, but through budget reconciliation, I will advance a measure to have them fined up to the entire amount of their endowment.

A portion of the seized funds will then be used as restitution for victims of these illegal and unjust policies, policies that hurt our country so badly. Colleges have gotten hundreds of billions of dollars from hard-working taxpayers and now we are going to get this anti-American insanity out of our institutions once and for all.

We are going to have real education in America.

Thank you.

EXHIBIT 5



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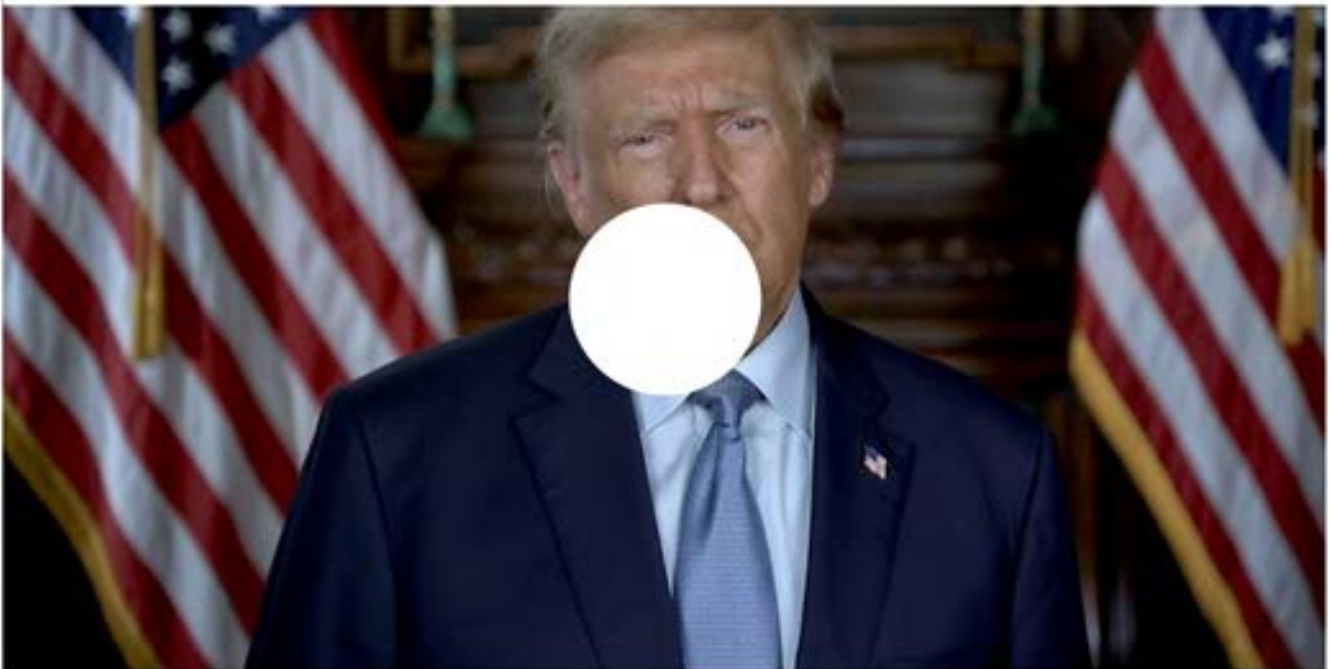
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Agenda47: The American Academy

November 01, 2023



Agenda47: The American Academy



President Donald J. Trump will endow the American Academy with the billions we will collect by taxing the large endowments of private universities plagued by antisemitism.

TRANSCRIPT

In recent weeks, Americans have been horrified to see students and faculty at Harvard and other once-respected universities expressing support for the savages

and jihadists who attacked Israel. We spend more money on higher education than any other country, and yet they're turning our students into Communists and terrorists and sympathizers of many, many different dimensions — we can't let this happen. It's time to offer something dramatically different.

Under the plan I'm announcing today, we will take the billions and billions of dollars that we will collect by taxing, fining, and suing excessively large private university endowments, and we will then use that money to endow a new institution called the American Academy.

Its mission will be to make a truly world-class education available to every American, free of charge, and do it without adding a single dime to the federal debt. This institution will gather an entire universe of the highest quality educational content, covering the full spectrum of human knowledge and skills, and make that material available to every American citizen online for free.

Whether you want lectures or an ancient history or an introduction to financial accounting, or training in a skilled trade, the goal will be to deliver it and get it done properly, using study groups, mentors, industry partnerships, and the latest breakthrough in computing. This will be a truly top-tier education option for the people.

It will be strictly non-political, and there will be no wokeness or jihadism allowed—none of that's going to be allowed.

Most importantly, the American Academy will compete directly with the existing and very costly four-year university system by granting students degree credentials that the U.S. government and all federal contractors will henceforth recognize. The Academy will award the full and complete equivalent of a bachelor's degree.

In addition to help the 40 million Americans who have some college education but no degree, the American Academy will grant credit for past coursework at legacy institutions and give you the chance to complete your education at the American Academy for free and much more quickly than is now possible or available.

This will be a revolution in higher education and will provide life-changing opportunities for tens of millions of our citizens.

Enjoy it, learn from it, and thank you

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EXHIBIT 6



'The Professors Are the Enemy'

Right-wing attacks on academic freedom have real repercussions.

THE REVIEW

By [Henry Reichman](#) December 14, 2021

“The professors are the enemy.” So said J.D. Vance, a candidate for the U.S. Senate in Ohio, quoting Richard Nixon at last month’s National Conservatism Conference. The irony of this statement, coming from someone who has boasted of his position as scholar in residence at Ohio State University, is indisputable. But it is important to ask why it is that Vance, and others of his political ilk, appear so viscerally hostile to higher ed. One piece of the explanation comes from another Republican, George W. Bush, who, speaking of a quite different enemy, famously declared, “They hate our freedoms.”

To be sure, vilifying scholars is as old as Socrates. We have long served as convenient scapegoats for authoritarians and the closed-minded. But despite their strident claims to embrace freedom above all, it is precisely academic freedom that so incenses the J.D. Vances of the world. It is our freedom to experiment, speculate, and imagine — our freedom to go wherever our research might lead us and to share the results of that

[Back to Top](#)

research, no matter how discomfoting, free from censorship or the direction of the powerful. It is our freedom to teach the results of such research that leads Vance to charge that professors “teach that America is an evil, racist nation” and that we “train teachers who bring that indoctrination into our elementary and high schools.” And it is our boldly asserted but often endangered claim to the freedom to speak as citizens of both society and our institutions without fear of employer sanction — a freedom unavailable to the great majority of private employees — that facilitates the demagogic stoking of popular resentment.

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The three pillars of academic freedom are the freedom of research and the publication of the results; freedom in teaching our subjects; and freedom as citizens and stewards of our institutions. These freedoms are now under attack to a degree [unseen in over a century](#), fueled by politicians like Vance.

The most salient examples are well known to readers of the *Chronicle*.

There is, of course, the usual litany of individual outrages, often attributable to the bureaucratic cowardice of administrators frightened of criticism. Take, for instance, the case of [Lars Jensen](#), the Truckee Meadows Community College math instructor whom the school tried to terminate for “insubordination” because he complained about diminished academic standards. Or [Jason Kilborn](#), the University of Illinois at Chicago law professor “accused of racism for asking students to address an ordinary hypothetical, of a kind they are likely to encounter in normal legal practice.” And then there’s [Collin College](#), in Texas, where two faculty members were fired because they

publicly complained the school was reopening too soon for in-person learning during the pandemic and a third was dismissed in retaliation for Twitter comments about former Vice President Mike Pence.

More troubling, however, has been the increasing number and scope of attacks from legislators and governing boards that seek to restrict the ability of the faculty as a whole to conduct research and direct the curriculum in accordance with disciplinary standards. In Florida, where a much-publicized effort to bar professors from providing expert testimony in lawsuits against the state [failed](#) (for now), faculty members face [efforts to control language](#) used by a scholar of race and legislative proposals that would seriously [weaken tenure](#) protections. In North Carolina, the American Association of University Professors has begun an [investigation](#) of extensive violations of shared governance, as well as charges of structural racism, throughout the University of North Carolina system. (I am a member of the AAUP's investigating committee, which will issue its report early next year.)

Then there is the wave of what PEN America has labeled "[educational gag orders](#)," bill that "appear designed to chill academic and educational discussions and impose government dictates on teaching and learning." While such efforts are directed primarily at K-12 schools, PEN reports that "21 bills explicitly apply to colleges and universities. Of these, 16 explicitly impose restrictions on academic courses or curricula, and 10 explicitly address training for college students or employees." In October, a group of plaintiffs, including the University of Oklahoma chapter of the AAUP, [filed the first federal lawsuit](#) challenging such a law.

Florida is not the only state seeking to weaken tenure. In South Carolina the "Cancelling Professor Tenure Act" seeks to [eliminate tenure](#) in the state's public colleges and universities for all employees hired in 2023 or later. If passed, it would be the first law of its kind in the nation. The University System of Georgia's Board of Regents voted to adopt a post-tenure review policy that makes it possible to fire a tenured faculty member without a dismissal hearing, prompting another [AAUP investigation](#). Attacks on tenure seem to capture the public's attention every few years but are often ineffective. But this time may be different, as such attacks are coming after decades of the tenure system's erosion and the emergence of "[the gig academy](#)," in

which nearly three-fourths of those teaching in American colleges are now on term contracts.

In this environment, the ever-present threat of vicious social media and even direct physical harassment, a major focus of concern in recent years, can only intensify. And so too will pressures increase on university administrators to, in the words of the AAUP's 1956 report on the abuses of the McCarthy era, "yield a little in order to preserve a great deal."



J.D. Vance, Republican candidate for the U.S. Senate in Ohio.

ILLUSTRATION BY THE CHRONICLE, PHOTO BY AP IMAGES

How should we respond?

I have three suggestions. First, it is important to acknowledge context. It would be a distortion, even foolish, to argue as if the threat to academic freedom were uniform across the board. One consequence of the neoliberal moment in higher education has been the growth of a wide variety of inequities across the system.

A dwindling group of well-endowed private institutions has experienced unparalleled prosperity, while most public institutions, especially regional and master's-granting institutions, and community colleges as well as many smaller private colleges have suffered. By and large, it seems, academic freedom may be less threatened in the former group than the latter, even if the First Amendment does not apply to the private sector. The implications of this are unclear, but it is certainly reasonable to envisage that these inequities — as well as others within the ranks of the faculty, among disciplines and employment status — will only exacerbate the crisis in academic freedom. It may be alarmist, but I can foresee a time when academic freedom is essentially protected only at a limited number of institutions and even in a limited set of disciplines.

Second, we need to assert that not every pedagogical, curricular, or research issue boils down to academic freedom. It is all too common to construe arguments over contentious racial and gender issues as conflicts between commitments to diversity and to academic freedom. That is largely [a false dichotomy](#). Academic freedom is not the same as freedom of speech — the expression of an instructor in a classroom is more limited than that of a citizen on the street or even, for that matter, of a student in that same classroom. Teachers are compelled to speak, to the best of their abilities, as disciplinary experts and as guides to learning. More often than not, problems that arise in class do not involve matters of principle as much as they do ones of pedagogy. Here it is the responsibility of the institution to provide appropriate guidance and support. We should not be afraid to acknowledge that professors are human and make mistakes. The key point, however, is that determinations of what is appropriate need to be made only by qualified scholars and not by institutional bureaucrats, trustees, or legislators — much less an enraged portion of the public.

Third, and most importantly, we must recognize that with freedom comes responsibility. The true responsibility that adheres to academic freedom is not the obligation to behave appropriately, as desirable that might be, but instead the duty to protect academic freedom and the principles of scholarly discourse wherever and however these may be threatened. It is not enough to pay lip service to the concept, defending it only when attacked. Academic freedom demands a collective and ongoing

It is relatively easy to defend academic freedom when everyone is pretty much saying similar things. But in an age when public controversies and political polarization have called into question the very legitimacy of expert knowledge, the need to defend freedom of inquiry and debate has become a primary responsibility of all those who teach and conduct research. Meeting that responsibility demands attention, hard work, and most of all an informed and nuanced understanding of precisely what academic freedom does and does not entail.

It also demands stiff spines. As the previously cited 1956 AAUP report on the abuses of McCarthyism concluded, it is “the duty of all elements in the academic community — faculty, trustees, officials, and, as far as possible, students — to stand their ground firmly even while they seek, with patient understanding, to enlarge and deepen popular comprehension of the nature of academic institutions and of society’s dependence upon unimpaired intellectual freedom.”

A version of this article appeared in the [January 7, 2022, issue](#).

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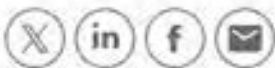
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About the Author

Henry Reichman

Henry Reichman is a professor emeritus of history at California State University-East Bay; former AAUP vice president and president of the AAUP Foundation; and from 2012 to 2021 chair of AAUP’s Committee A on Academic Freedom and Tenure. His book [Understanding Academic Freedom](#) was published in October.

Top Articles

EXHIBIT 7



INTERVIEW(HTTPS://EUROPEANCONSERVATIVE.COM/INTERVIEWS/)

“I would like to see European elites actually listen to their people for a change”: An Interview with **J.D. Vance**



Photo by Gage Skidmore, CC BY-SA 2.0 DEED, via Flickr. (https://www.flickr.com/photos/gageskidmore/53069155804)

"If you want to have a rules-based international order, you shouldn't penalize Poland or Hungary for having [views] that are different from Brussels."

Rod Dreher(https://europeanconservative.com/articles/author/rod-dreher/)

— February 22, 2024(https://europeanconservative.com/articles/2024/02/22/)



At the recent Munich Security Summit, U.S. Senator J.D. Vance, a first-term Republican from Ohio, was the skunk at the garden party. Vance, a Trump ally, has long been an outspoken skeptic of American involvement in the Russia-Ukraine war, and has angered his more establishment GOP Senate colleagues for his penetrating criticism of Washington's conduct of this proxy war.

Yet his critique is making headway. *Politico*, the voice of mainstream Washington, conceded (<https://www.politico.com/newsletters/national-security-daily/2024/02/20/j-d-vance-has-a-point-00142111>) this week that “J.D. Vance has a point” in saying that the U.S. cannot produce munitions and weapons to continue backing Ukraine. Immediately after the Munich conference, the *Financial Times* published a tough Vance column (<https://www.ft.com/content/3c87ef13-122f-4e78-a7af-54c75c30a91d>) calling on Europeans to shoulder more of the burden for their own defense. Vance wrote, in part:

We owe it to our European partners to be honest: Americans want allies in Europe, not client states, and our generosity in Ukraine is coming to an end. Europeans should regard the conclusion of the war there as an imperative. They must keep rebuilding their industrial and military capabilities. And Europe should consider how exactly it is going to live with Russia when the war in Ukraine is over.

If Donald Trump reclaims the U.S. presidency in the November election, Vance can be expected to play a major role advancing the administration's legislative and policy goals in Trump's new term. I sat down in Munich for an interview with the senator, who in 2016 published his memoir *Hillbilly Elegy*—a book that German Chancellor Olaf Scholz said moved him to tears (<https://brusselssignal.eu/2023/08/trumpist-republican-senator-j-d-vance-has-a-new-fan-chancellor-scholz/>). Vance told me he and Scholz met earlier in the day at the Bayerischer Hof, and had exchanged warm greetings. It might have been one of the only times a European Munich conferee this year was happy to see the rising young Republican senator.

You are one of the U.S. Senate’s leading skeptics of further aid to Ukraine. Does the Munich Security Conference feel like hostile territory?

I certainly feel like I’m in a hostile territory, I think there is a very broad consensus that the West should be funneling as many resources and weapons to create as possible. And I feel like I’m the only guy sort of shouting in the wilderness saying, ‘What’s the strategy here? What’s the endgame? How do you get out of this conflict without completely destroying the country of Ukraine—demographically, infrastructurally, economically?’

And unfortunately, I think that the participants in the conference are, by and large, so wrapped up in an anti-Putin mindset, that they can’t think rationally about the strategy and the conflict. It’s fine to not like Putin, I don’t like Putin. But that’s not a foreign policy vision.

How do your foreign policy views differ from the Atlantic consensus?

Well, I think I’m just much less moralistic about these things. I approach these questions by asking myself, “What is in America’s national interest?” And I’m much less interested in what makes people feel good, or allows them to beat their chests to declare moral superiority. I’m much more interested in identifying what’s in the best interest of the country.

There are obvious ways in which our interests conflict with Vladimir Putin’s. There are ways in which we are, I think, accelerating the development of his relationship with China, which is very much *not* in our best interest. And so, if I look at this conflict, I’m not just asking for an end game for Ukraine; I’m asking why are we making it more likely that Vladimir Putin aligns himself with Communist China, when we should be trying really hard not to push any country into the arms of Beijing. We are damaging our own national interest because it feels good, I guess, to hate Putin.

I think a second difference is that I’m extremely interested in questions of hard power. I don’t think that most international decisions, most foreign policy decisions, are driven by anything other than national self-interest. And so, I’m less interested in how many millions or billions of dollars Germany gives to Ukraine. I’m much more interested how many artillery shells they’re donating, and is Germany’s capacity to produce the weapons of war in the future? I think there’s a real blind spot in the West when it comes to the actual machinery of warfare. We are way too focused on financial commitments, and way to uncaring about things like manufacturing power.

There's a third difference. I think that there is a real desire, especially among people who are older than fifty, to dwell in the glory years of American foreign policy. You know, the fall of the Berlin Wall and the 1990s, when America was the true global hegemon. In that world, you really didn't have to think about scarcity in foreign affairs. America could do everything, because it was so much more powerful than any other country.

Those days are over. We live in an increasingly multipolar world. China is a real economic and military competitor. In that world, America can't just impose its will, as if it didn't face scarcity concerns. It has to make trade-offs, and has to focus. Unlike much of the foreign policy establishment, I believe we should be much more focused as a country on East Asia, much less focused on Europe.

You were four years old when Reagan left office, and in kindergarten when the Berlin Wall fell. Do you think your age gives you an advantage in seeing the world more realistically than your older colleagues, who may be nostalgic for the glory days?

Oh, certainly. I think Reagan was a good president. But I don't have nearly the hagiographic response to Reagan as most of my older conservative colleagues. For example, I think his immigration policies were disaster. You can blame the fact that California is now blue state on Ronald Reagan's immigration policies like let's not pretend that he was perfect at politics.

Actually, he was much smarter than both his critics and his supporters believe. If you go back to what the neoconservatives were writing about Reagan's foreign policy in the 1980s, he was trying to wait out the Soviet Union—to contain it where appropriate, engage it where appropriate, but build up the American economic machine to provide a useful counterbalance to the Soviet Union. The neocons of the 1980s wanted a more aggressive stance against the Soviet Union. Reagan, however, thought that could lead to nuclear war. But he also understood that we didn't have to push things to that degree.

It's interesting that in matters of restraint and realism, Reagan is much closer to Donald Trump's view than to the neoconservatives, who now use Reagan as a sort of icon.

Volodymyr Zelinsky said at the Munich Security Conference, “May our world based on rules never become the world of yesterday” But the Russians have a strong case that the West broke its word on NATO expansion. Plus, if you talk to Hungarian

conservatives, and Polish conservative living under the new, EU-backed government of Donald Tusk, they will tell you that the rules are whatever favors the policy interests of Washington and Brussels. Are they wrong?

No, I don't think they are wrong. In fact, there's a complete lack of self-awareness among the Western establishment on this point. Their efforts to turn whatever they happen to believe into the only morally upstanding and morally correct viewpoint is really insulting to everyone's intelligence.

You know, the EU has kept billions of dollars of promised aid away from Hungary, because of its views on Ukraine. It captured billions of dollars of promised aid from a previous government in Poland, because of the conservative Polish government's views. That's not a rules-based order. That's Europe, from Brussels and Berlin, imposing liberal imperialistic views on the rest of the continent. If you want to have a rules-based international order, you shouldn't penalize Poland or Hungary for having politics that are different from Brussels—but that's exactly what they've been doing. So I think it's completely absurd on its face.

A lot of Americans really mistrust the so-called rules-based international order, because it hasn't been good for a lot of American citizens. It's been really good if you're the sort of person who comes to the Munich Security Conference every year. But if you're an American whose town was destroyed, because the factory that sustained that town was moved to China as part of the rules based international order—well, you're not inclined to spend tax dollars and want to defend that order in 2024.

David Cameron, the British Foreign Secretary, said in Munich that there must be consequences for Russian dissident Alexei Navalny's death. Do you agree and if so, what should the consequences be?

Cameron's statement is completely devoid of meaning. What would additional sanctions on Russia actually accomplish given that Western sanctions against Russia for the past 18 months have proven ineffective? Are we talking about bombing Moscow? What does he actually mean by "consequences"? It sounds like a completely hollow threat from a person who hasn't thought about what his words actually mean in practice.

Now, look, Navalny was, as far as I know, a brave guy. He was an admirable guy. He was a fascinating figure, intellectually and ideologically. But this the idea that we're going to penalize Vladimir Putin, like we would spank a misbehaving child, completely overstates what America and NATO are capable of doing in the 21st century.

You recently said on the Senate floor that America needs to be focused more on its own problems. What do you mean by that?

Advocates of aggressive American foreign policy fundamentally mistake cause and effect. They say that America is strong, because our foreign policy resolve is strong., and because we aggressively push American ideals out to the rest of the world. The reality is that we are able to push America's ideals out to the world when we have a strong core at home.

The Americans who fought in World War II were incredibly brave and incredibly competent. The reason America won World War II is because we were the arsenal of democracy. Our industrial economy was booming, and we were able to send troops all over the world, armed with the best equipment and the best weapons, and still have a functioning economy at home. I am not an isolationist. America should have a leading role in the world. We really are the indispensable power. But to be the indispensable power, we actually have to be powerful. To be powerful, we have to take care of our problems at home—and right now, America has some extraordinarily pressing problems.

Such as?

Well, I'd say these are problems that a lot of European countries face as well. We have a terrible migration crisis in the United States. Probably ten percent of our population is illegal aliens, and another 15 percent are in an irregular situation with the law, in one form or another. It takes a lot of work to assimilate such a large number of people into your society, and to do it carefully, to ensure that it doesn't disrupt health services, education services, and so forth. Not to mention the amount of human trafficking, drug trafficking, and sex trafficking that happens because of the American southern border with Mexico. That's number one.

Number two, we have a massive demographic problem the United States of America. We're an aging country. We were the last western country that had healthy demographics, even 15 years ago, but it's now fallen off a cliff. We have rising suicide rates, especially among our young people. Life expectancy has fallen too. In the Kentucky county where my family from, the life expectancy rate is 67 years old. That's comparable to a lot of Third World countries today.

And oh, by the way, we de-industrialized our entire economy over a thirty-year period. I think all of these problems need to be addressed before we can meaningfully play a leading role in the 21st century.

There has been talk that you might be on the shortlist to be Donald Trump's vice presidential running mate. If he asked, would you serve?

Of course I would think seriously about it. I think he's clearly the best choice to be the next president. And as I've said, I wanted to help him as much as possible. That said, I really like being a senator. I want to make a pretty big impact doing what I do. Despite the media reports, I've never spoken with Donald Trump about becoming his vice president. My basic attitude towards this is, it's probably media speculation, and he probably won't ask me. If he does ask me, I'll cross that bridge when I come to it.

What do you think Trump got wrong in his first term? I suppose this is a way of asking what you think he needs to do differently if he gets a second one.

The single biggest problem with the first Trump administration was personnel. Think about this from Trump's perspective as an outsider to politics. He comes into the Oval Office, he has no pre-existing political network to hire from. There were a lot of people in the administration that were very solid, but there were a few people that were absolutely disastrous. John Bolton, the neocon-in-chief, should have been nowhere near the Trump White House. Jeff Sessions was a great senator from Alabama, but should not have been the Attorney General. And I think there were sort of some hiring decisions that I think were based on Trump not having a network to hire from, people who knew Washington, D.C. And I think that would be much different in a second term.

You told the *New Statesman* recently, "My grandma's politics was a sort of hybrid of left-wing social democracy and right-wing personal optimism. There are virtues in both those worldviews." What are those virtues?

On the democracy point: when people need good jobs, you can't expect people to create prosperity for themselves when the only jobs that are available are minimum-wage service sector jobs. Sometimes people get down on their luck for no fault of their own. When people get sick, people break a leg, they need health insurance. There needs to be some sort of social insurance system that covers people who are struggling.

I think the personal uplift side has virtues as well. One is that even if your life has been unfair, it's very counterproductive to see yourself as the victim of unfairness. Sometimes you have been dealt a crappy hand, and you have to play that hand as well as you can. There's real virtue in deciding to

I would like to see European elites actually listen to their people for a change. An interview with J.D. Vance — The European Conservative

take it on the chin and keep moving forward. There's virtue in not making excuses for yourself, again, not because people don't have bad luck, but because they do.

It's very unhealthy to deny that there's unfairness. But it's also very unhealthy to become consumed by the unfairness in your own life. And you have to kind of navigate that middle point, I think, to be certainly an effective political leader, but just an effective human being.

The valorization of victimhood is one of the main problems with American public life, because victimhood is a source of power? Do you see this breaking? Can politics play a role in breaking it?

I think culturally, it's much less powerful now than it was five years ago. People are not as willing to accept the framing of "I'm a victim, therefore, you should listen to me and defer to me." We've already gotten sick of being told that we should listen to somebody not because they have a smart idea, but because they have a certain identity. So it has already broken a little bit.

One of the ways that public policy should address this is that we should promote excellence, and we should reward excellence. And yeah, you've got to cover for the people who are down on their luck. But the sole focus of public policy should not be addressing unfairness. Fundamentally, if you want to address some issues of fairness, one of the most important things you can do is empower the truly gifted.

European Parliament elections are coming up in June. The populist Right parties are hoping for a really big showing. What would you like to see happen politically in Europe?

Well, aside from populist victories, I would really like to see European elites actually listen to their people for a change. What was the takeaway from Brexit? It's that British voters wanted more control over their immigration system. But what did they get? They got more immigration, with less control—from a Tory government! [Giorgia] Meloni's victory in Italy was very much a rejection of the immigration policies in Brussels. And yet, she's been a complete catastrophe when it comes to actually reducing migration to Italy.

The AfD [Alternative for Germany] is doing well was purely because there's a rising resistance to mass migration in Germany.

You hear European elites and American elites talking in frightened tones about threats to democracy. Isn't it a greater threat to democracy if people keep voting for less migration, but don't get it? I'd really, really like to see the leadership respond to what European voters are clearly crying out for. And one of the ways for that to happen, is you just keep on making the message louder and louder. In the context of these coming elections, I want to see the people who are advocating for national sovereignty and foreign policy realism dominate as much as they can.

What would a second Trump term mean for Europe?

I can't speak for Donald Trump, but I think there would be a very strong desire for the Europeans to take a much more self-sufficient role on defense. That means sufficient manpower to defend their sovereignty, but also sufficient manufacturing capacity to produce the weapons necessary to do so for a longer-term war. There's this really weird thing that happens in Europe, where, on the one hand, we're told that Vladimir Putin is an existential threat to Europe. But on the other hand, you have to drag the Europeans to spend 30 percent less of their GDP on defense than the United States spends of its GDP on defense. If Russia really an existential threat, then we shouldn't have to beg and plead to get you to spend what you are supposed to. So I think the message of the Trump administration to Europe is going to be: you need to pay your bills, and you need to step up your defense.

Given how old Trump and Biden are, I sense that whatever happens this fall, it's going to be the last hurrah for the Baby Boomers. As your generation—the Millennials—moves more and more into power, how do you think that that is going to change American conservatism? And how do you think it's going to change American politics in general?

That's a good question. First of all, I think the Boomers still have a little bit of fight left in them. If there's anything we've learned about the Baby Boom generation, it's that people always write their obituary way too early.

As for Millennials' conservatism, it's much more animated by the concerns of parents, as opposed to grandparents. Millennials are really worried that their kids have a viable pathway to the middle class. Are they being educated at their schools, or indoctrinated into weird gender ideologies? Can you actually afford to buy a home and raise a family on a reasonable middle class income. So I

think that you're going to see a conservatism that rejects the libertarian orthodoxy of the establishment Right on economics, but really leans into some of the cultural battles of the 21st century.

Last question. At the National Conservatism conference in Miami a couple of years back, you gave a speech in which you said that universities are the enemy. In light of that, and in given the fact that you are an Ivy League law school graduate, what do you make of what happened at Harvard these past two or three months? I'm talking about the plagiarism scandal that cost Claudine Gay, the first black woman to lead the university, her job.

What happened at Harvard was, in some ways, confirmation of the thesis, right? We saw identity elevated over ideas. There's this weird way in which, obviously mediocre people are protected because they fit a particular political narrative. What happened at Harvard is a perfect manifestation of the idea that the universities are not so much after the pursuit of truth, as they are about enforcing dogma and doctrine.

They are enforcing dogma that is hostile to American conservatives, but that doesn't mean that I think we can give up on the universities, I think we actually have to recognize that they are the gateways to a lot of important professions and institutions in our country. One takeaway from what happened at Harvard is that these academic institutions are just paper tigers. We should be really aggressively reforming them in a way to where they're much more open to conservative ideas.

By taxing their endowments?

Yes, and by reforming the tax code to take away their charitable status for tax purposes. European readers may not know that under current U.S. tax law, private donations to universities are tax deductible. We need to really go after the university bureaucracy focused on diversity, equity, and inclusion.

You know, the closest that conservatives have ever gotten to successfully dealing with left-wing domination of universities is Viktor Orbán's approach in Hungary. I think his way has to be the model for us: not to eliminate universities, but to give the a choice between survival or taking a much less biased approach to teaching.

Orbán is the first major conservative leader I’ve ever seen who refuses to accept the status quo that says the Left owns the media and the universities. The Left doesn’t even recognize how destructive its own ideological hegemony is. It gets completely bent out of shape when anybody questions it.

I think it’s that’s why Orbán is so effective. You know, the, the late great Senator Daniel Patrick Moynihan said that the great conservative insight is that politics is downstream from culture, and the great liberal insight is that culture can be affected by politics. In some ways, I think Orbán is taking an American liberal insight and using it for conservative purposes. And whether it’s the incentives that you put into place, funding decisions that are made, and the curricula that are developed, you really can use politics to influence culture. And we should be doing more of that on the American Right.

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EXHIBIT 8

Leo Terrell, Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism On Campus

Mar 19, 2025 / TranscriptsUNCATEGORIZED

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Leo Terrell is the new Senior Counsel in the Division of Civil Rights at the DOJ, who is leading a task force for Attorney General Pam Bondi aimed at stamping out anti-Semitism on the campuses of the United States.

Audio:

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Transcript:

HH: I'm pleased to welcome to the program this morning Leo Terrell. He is senior counsel to Attorney General Pam Bondi in the Civil Rights Division. And Leo may not remember this, but he was my guest on the old Life and Times show that I hosted for ten years in L.A. from 1992 to 2002, because Leo and I have been doing this a while. He's also a very expert broadcaster, superb lawyer. He's a young man. He's a year younger than I am, so he's a young man. But I am so glad to see you at the Civil Rights Division, Leo. Welcome. How are you?

LT: Hugh, I remember that. Was that on KCET?

HH: You bet. Life and Times.

LT: You better believe it. It was a great program. And to answer your question, I am extremely happy. I am very happy that President Trump appointed me to this position. I'm very happy to work with Pam Bondi. This is something that as a civil rights attorney for 30 years, it is a privilege to serve this country, and I'm glad to be on your show.

HH: You know, Leo, we've got about, out of law school about the same time, and I did a clerkship, and then I went over to DOJ working as a special assistant for Ed Meese and Bill Smith. And now it's been 40 years, and I'm in radio, and you're back at DOJ. So things turn around. You know, things change. But you did a great thing last week. You cut off

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\$400 million dollars to the Columbia University in order to stop their continued non-protection of Jewish students on their campus pursuant to Title VI of the Civil Rights Act of 1964. Do I have that right?

LT: Yes, you are 100% correct. Title VI is the mechanism to defund Columbia of \$400 million dollars.

HH: So what did you actually do? Let's work out and be a little bit lawyerly with me. Did you send them a notice letter? Did you send a letter to everyone in the federal government saying no more money for Columbia? How did it actually roll out?

LT: Well, it's important that your viewers and listeners understand what I am doing. I am part of a task force to combat anti-Semitism. President Trump, Hugh, issued an executive order. He wants to eradicate anti-Semitism in this country. If you recall, the last administration turned their backs on the Jewish-American community, turned their backs on Jewish students. So President Trump gave Pam Bondi and the DOJ a directive. Eradicate anti-Semitism throughout the country, and at the schools – at Columbia and Harvard, NYU, at UCLA where I went to law school at. And so we created a task force. And part of that task force responsibility was to go after these anti-Semitic universities that receive federal funding. President Trump and Pam Bondi will not have taxpayers' dollars subsidize anti-Semitic behavior. And we're going to take their money away.

HH: And I am applauding this. I think this is great. My alma maters are Harvard undergrad and Michigan Law School. And you can go after then second and third. Cut them off well, because they have not protected their Jewish students, either. UCLA is an absolute disgrace. It's all over this country. Anti-Semitism has exploded. I'm just wondering how you do it. I mean, just as a practical lawyering matter, I practiced law. I'm not retired, but I'm not taking any more clients. I just don't know, did you send them a letter? Do you just cut the checks off? What do you do?

LT: Well, you first of all give them notice, because remember, Hugh, they have an obligation under Title VI to provide education opportunities and not to discriminate against protected class status – religion, color, ethnicity. And basically, they were receiving taxpayer dollars illegally, because they were not protecting Jewish-American citizens. And so what we did was we basically gave them noticed, and we stopped providing the funding. And I've got news for you. To Harvard, to NYU, to Michigan, same thing's happening to them. It's going to happen, because we're going to look at the numbers of federal dollars, and Hugh, it totals in the hundreds of millions of dollars. And we're going after them.

HH: You are, you're doing the Lord's work. The Civil Rights Act of 1964 is very explicit that you may not discriminate against students based upon their ethnicity or race, and Jews are both an ethnicity and a race. And they've been discriminated against. So they shouldn't get any federal money. I just want to know the evidentiary basis that you're going to use going

forward. If you're sitting out, let's say The Ohio State University, The Ohio State University, the national football champions, they had some anti-Semitism last year. They brought the hammer down on it, and they stopped it. Are they going to get a letter? I mean, what do they have to worry about? How far back are you looking? Or are you just looking about right now?

LT: Well, no. We're looking back in the number of years that the statute of limitations allows us not only under Title VI, Hugh, but Title VII as well. Title VII protects the employer-employee relationship. There are Jewish professors, Jewish student workers. So what we have is to follow the statute of limitations on both not only Title VI, but Title VII. And it applies to all these universities that not only receive federal funds, but have to follow the Civil Rights Act regarding the employer-employee relationship. They can't discriminate based on, again, protected class status – race, religion, ethnicity.

HH: Have you got a stack of complaints from professors who feel that they've been discriminated against on the...

LT: (nods yes)

HH: Good. Investigate them all. The guy whose picture is up here, Ronald Reagan, when I was at Justice Department, his division of Civil Rights was run by William Bradford Reynolds. His deputy was Chuck Cooper. They were the brass knuckled enforcers. They were really good lawyers. The Civil Rights Division went way left, Leo. Did you find, is anyone on the task force with you? Have you got anyone else to work with there, because they went way to the left.

LT: You are 100% correct. The Civil Rights Division, when the Trump team came in, way, way, way, let me say it again, way left. Pam Bondi, President Trump have made a determination very simply. Everyone's going to be treated fairly. If you're far left, you're not going to be part of this DOJ team that's going to eradicate not only anti-Semitism. The Trump and Bondi administration just wants a level playing field. No one's treated preferentially better than others. Everyone's treated equally. The Jewish community has been treated unfairly. And I have to say this, Hugh. It's not only at the universities. Look at these blue cities that have turned their back on the Jewish community in New York, in Chicago and L.A. Where are the hate crime charges? Pam Bondi and President Trump have given us a directive to stop it. And those cities are going to lose their funding as well.

HH: So you need prosecutors, because you can prosecute people. It's a crime to violate people's civil rights. It's not only a federal forfeiture of funds, it's a crime. Are you going to have enough lawyers to work with? I mean, is there anyone in the Civil Rights Division left, because they were all wokesters? And when you came in, you knew they were all wokesters. Have they left?

LT: Well, I'll tell you right now. As you know, there are procedures. They safeguard for employees who have been here for a while. We're working through them. But I'll tell you right now. Pam Bondi has made it a directive. Get the work done, work through these people. We're hiring people, because we have an obligation to make sure Jewish-Americans can be treated fairly at the universities, and I take that order to heart, and that's why we're complying not only with Pam Bondi's directive, but President Trump's executive order. We're obligated to do it, Hugh, and we're doing it. And not only are we going to these ten schools just as our first step, we're going to these four cities – [New York], Boston, Chicago, Los Angeles, and talk to their mayors, talk to their district attorneys, do the job of prosecuting hate crimes, or the U.S. Attorneys office, the DOJ's office, will do it for them.

HH: So going back to nuts and bolts, Leo. You're a real lawyer, as opposed to a lot of people who play one on TV. You're a real lawyer. You know Columbia's going to come at you and try to get their money back. Have they done that, yet? Have they filed an attempt to enjoin your enforcement action against their federal funding?

LT: Let me answer that. No, they haven't, but they're trying to change their ways. But it's not good enough. They're talking about making changes. Not good enough. We haven't seen the evidence. We have not seen any type of evidence. There's been communications, Hugh. I can only go that far and disclose, but what they have done is not enough. And the motivation, Hugh, is wrong. They're only talking to us now because we took away their money. The issue is not the money. The issue is treating Jewish-American students fairly. Are they motivated by the money?

HH: Now you'll remember, Leo, whenever we had findings of discrimination that were systemic in a school district, for example, the federal judge involved would take over the school district. I'd like to see the Department of Justice get a consent decree where Columbia gets a new law school dean, they get a new president, a new board, a new department of history, a new set of reasonable time, place, and manner regulations for a speech on campus that ban masks. I'd like to see monetary payment to students whose lives were disrupted for the last two years, because they paid a lot of, they pay \$75,000 dollars to go to Columbia and they couldn't go to class? I mean, I really want you to bring the hammer down. Is that your intention?

LT: Yes. Let me think about that. Yes, yes, and yes. And I'll tell you right now, Hugh, we have an investigation going on against a UC regent in California. And I'll tell you right now, injunctive relief, pattern and practice is on the table. So we're using every tool in the toolbox. I've been a civil rights attorney for 30 years.

HH: Yeah, I know.

LT: I know how to go after these guys. And I'm telling you, I cannot thank Pam Bondi and President Trump enough. They have told me to go after them. You talk about a hammer, I'm talking about a hammer, a cannon, grenades. We're going after these schools, and we're going to deter this conduct and make sure it never occurs again. What happened before...

HH: Give me a couple of bits of information. You need some nails. You are the hammer, but you need some nails. You need some young lawyers, you need some special assistants. You need Todd Blanche to return your phone call, the deputy attorney general. You need some special assistants on the 5th floor. Is there a chain of command? Or have they just sent you out there on the good ship Leo Terrell to go off and right wrongs? Or are they backing you up? Are they checking in every day and making sure you're getting what you need?

LT: I want everyone to hear this. I am blessed to have Pam Bondi and Todd Blanche. They have given me a directive, and given me the resources I need. They have never said no when it comes to eradicating anti-Semitism. And I'll tell you right now, Hugh. The Trump administration and the DOJ, we're on the same channel. Everyone's working together. We have the right management team in place with Pam Bondi and Todd Blanche.

HH: Okay, last couple of questions, Leo. You started with Columbia. Who's the next target? I want it to be Harvard, and I want it to be Michigan, and I want it to be UCLA, but I don't get to pick the targets. I'm a talking head. You're the lawyer. Who's the next target?

LT: I'm going to give you a little breaking news. It's one of those three schools. I can't disclose it right now, because I'll get in trouble. But one of those three schools. I just gave you some breaking news.

HH: All right, give me a little on that. How much money's involved?

LT: (laughing)

HH: Come on, Leo.

LT: Now you're asking for too much. I'll take you out to dinner. I'll take you out to dinner.

HH: Is it bigger than Columbia?

LT: If I tell you here, I don't want to get in trouble.

HH: Is it bigger than Columbia?

LT: President Trump and Pam Bondi are watching. They're my bosses. I can't breach my relationship with my bosses. I'll tell you right now.

HH: All right, I get it. Leo...

LT: They're going to get the hammer.

HH: God, it is good to see you on the side of the angels, and it's great to know that the Civil Rights Division's got a new Brad Reynolds and a new Chuck Cooper. God bless you. By the way, who is the assistant Attorney General for Civil Rights? Have we got one nominated, yet?

LT: Oh, yes, we have one. And she, it's Harmeet Dhillon.

HH: Oh, yes.

LT: She's going to be a tsunami in here. She's going to be great. Can't wait for her to get here.

HH: Now you know, this is like the old days. And I'm so happy you're there, Leo. Keep coming back. Keep talking to me. It's great to have someone who knows what they're doing on the side of the angels. Leo Terrell, special advisor in the division of Civil Rights, Department of Justice, thank you for joining me on the Hugh Hewitt Show.

End of interview.

EXHIBIT 9



U.S. Department of Justice

Edward R. Martin, Jr.
United States Attorney

District of Columbia

*Patrick Henry Building
601 D Street, N.W.
Washington, D.C. 20530*

February 17, 2025

Mr. William M. Treanor
Dean, Georgetown Law
600 New Jersey Avenue, NW Suite 508
Washington, DC 20001

Dear Sir,

As United States Attorney for the District of Columbia, I receive requests for information and clarification. I take these requests seriously and act on them with letters like this one you are receiving.

It has come to my attention reliably that Georgetown Law School continues to teach and promote DEI. This is unacceptable. I have begun an inquiry into this and would welcome your response to the following questions:

First, have you eliminated all DEI from your school and its curriculum?

Second, if DEI is found in your courses or teaching in anyway, will you move swiftly to remove it?

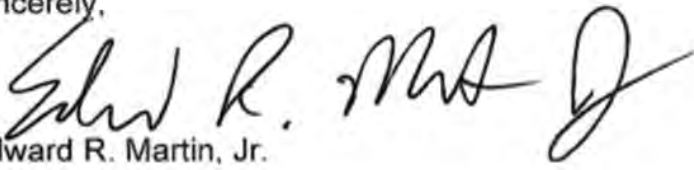
At this time, you should know that no applicant for our fellows program, our summer internship, or employment in our office who is a student or affiliated with a law school or university that continues to teach and utilize DEI will be considered.

I look forward to your cooperation with my letter of inquiry after request. Thank you in advance for your assistance. Please respond by Monday, February 24, 2025. Should you have further questions regarding this matter, please do not hesitate to call my office or schedule a time to meet in person.

JA260

All the best.

Sincerely,



Edward R. Martin, Jr.

United States Attorney for the District of Columbia

EXHIBIT 10

(/)

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Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness

March 3, 2025



← News (/news)

Several studies in the past decade have revealed that up to a quarter of unresponsive patients with recent brain injuries may possess a degree of consciousness that's normally hidden from their families and physicians.

New [research](https://www.nature.com/articles/s41591-025-03578-x) [_ \(https://www.nature.com/articles/s41591-025-03578-x\)](https://www.nature.com/articles/s41591-025-03578-x) from Columbia University and NewYork-Presbyterian may soon help physicians identify unresponsive brain-injury patients with hidden consciousness who are likely to achieve long-term recovery by looking for brain waves that are indicative of normal sleep patterns.

"We're at an exciting crossroad in neurocritical care where we know that many patients appear to be unconscious, but some are recovering without our knowledge. We're starting to lift the lid a little bit."

"We're at an exciting crossroad in neurocritical care where we know that many patients appear to be unconscious, but some are recovering without our knowledge. We're starting to lift the lid a little bit and find some signs of recovery as it's happening," says [Jan Claassen](https://doctors.columbia.edu/us/ny/new-york/jan-claassen-md-fncs-177-ft-washington-avenue) (<https://doctors.columbia.edu/us/ny/new-york/jan-claassen-md-fncs-177-ft-washington-avenue>), professor of neurology at Columbia University Vagelos College of Physicians and Surgeons, who led the study.

"Families of my patients ask me all the time, will my mother wake up? How is my mother going to look in three, six, or 12 months? Very often we cannot guide them very precisely, and it's crucial that we improve our predictions to guide their decision making."

Sleep and consciousness

Claassen, who is also chief of critical care and hospitalist neurology at NewYork-Presbyterian/Columbia University Irving Medical Center, has previously developed sophisticated techniques to identify patients with hidden consciousness by analyzing a patient's EEG recordings as they are presented with a command in the neurocritical care unit. The techniques detect EEG brain wave activity indicating that the patient can hear and understand their physicians' instructions (to open and close their hand, for example) even though the patients do not physically respond.



Jan Claassen

But the techniques can be difficult to implement and can yield false-negative results.

Claassen decided to focus on sleep, as brain circuits that are fundamental for consciousness, including cognitive motor dissociation, are also critical to control sleep.

"I'm always thinking about how my work can be best implemented and used in the real world, and looking at sleep made sense practically and scientifically," Claassen says. "Sleep brain waves are easy to record and do not require intervention from the care team."

Sleep spindles predict recovery

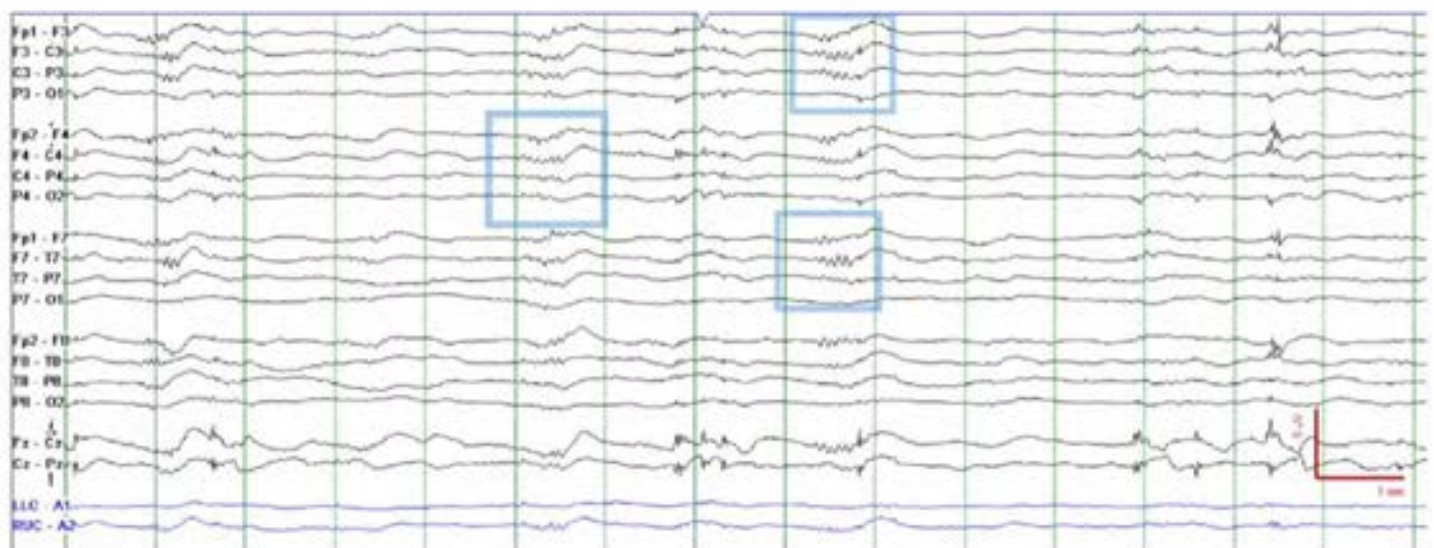
In the new study, the researchers looked through EEG recordings of overnight brain activity in 226 comatose patients who also underwent the more complex testing for cognitive motor dissociation.

"The electrical activity during sleep looks relatively chaotic, and then occasionally in some patients, these very organized, fast frequencies appear," Claassen says.

These bursts—called sleep spindles—often preceded the detection of cognitive motor dissociation with the more complex method, the return of consciousness, and long-term recovery.

"Spindles happen normally during sleep and they're showing some level of organization in the brain, suggesting circuits between the thalamus and cortex needed for consciousness are intact."

About one-third of patients had well-defined sleep spindles, including about half of patients with cognitive motor dissociation.



In a new study of unresponsive patients with recent brain injuries, bursts of activity—called sleep spindles—in EEG recordings often preceded the detection of hidden consciousness, return of consciousness, and long-term recovery. Image provided by Jan Claassen / Columbia University Vagelos College of Physicians and Surgeons.

Patients with sleep spindles and cognitive motor dissociation were more likely to recover consciousness and functional independence. Among those with sleep spindles and cognitive motor dissociation, 76% of patients showed evidence of consciousness by the time they were discharged from the hospital. A year later, 41% of these patients had recovered neurological function, with either minor deficits or a moderate disability, and were able to care for themselves during the day. Only 29% of patients with neither sleep spindles nor cognitive motor dissociation showed signs of consciousness by the time they were discharged and just 7% regained neurological function a year later.

Even though these findings don't prove that inducing sleep spindles would translate to better outcomes, they raise the possibility that improving a patient's sleep—possibly by changing their environment—may promote their recovery. "If you think about the ICU environment, it is rather disruptive for a good night's sleep. There is noise everywhere, alarms going off, clinicians touching them, 24/7. This is all for a good reason, but it's hard to sleep in that environment," Claassen says.

Moving toward clinical practice

Claassen cautions that the findings only apply to patients with recent injuries, not those with long-term disorders of consciousness. For most patients in the current study, normal sleep spindles appeared within days of the initial injury.

And the predictors were not perfect: 19 of 139 patients who did not show sleep spindles or signs of cognitive motor dissociation did recover consciousness. Other data will likely be needed to make more accurate predictions.

"I see these spindles as a way to direct more sophisticated testing to the patients most likely to benefit," Claassen says. "The techniques are not ready for use in clinical practice yet, but this is something that we're actively working on right now."

Topics

Neurology (/news/topics/neurology), Research (/news/topics/research)

Additional information

Jan Claassen, MD, is also medical director of the neurological intensive care unit at NewYork-Presbyterian/Columbia University Irving Medical Center.

[“Sleep spindles as a predictor of cognitive motor dissociation and recovery of consciousness after acute brain injury”](https://www.nature.com/articles/s41591-025-03578-x) [↗](#)

(<https://www.nature.com/articles/s41591-025-03578-x>),” was published March 3 in Nature Medicine.

Authors (all from Columbia and NewYork-Presbyterian): Elizabeth E Carroll, Qi Shen, Vedant Kansara, Nicole Casseon, Andrew Michalak, Itamar Niesvizky-Kogan, Jaehyung Lim, Amy Postelnik, Matthew J Viereck, Satoshi Egawa, Joshua Kahan, Jerina C Carmona, Lucy Kruger, You Lim Song, Angela Velazquez, Catherine A Schevon, Sander Connolly, Shivani Ghoshal, Sachin Agarwal, David Roh, Soojin Park, Paul Kent, and Jan Claassen.

The study was supported by grants from the National Institutes of Health (R01NS106104, R01LM011826, and UL1TR001873).

See paper for disclosures.

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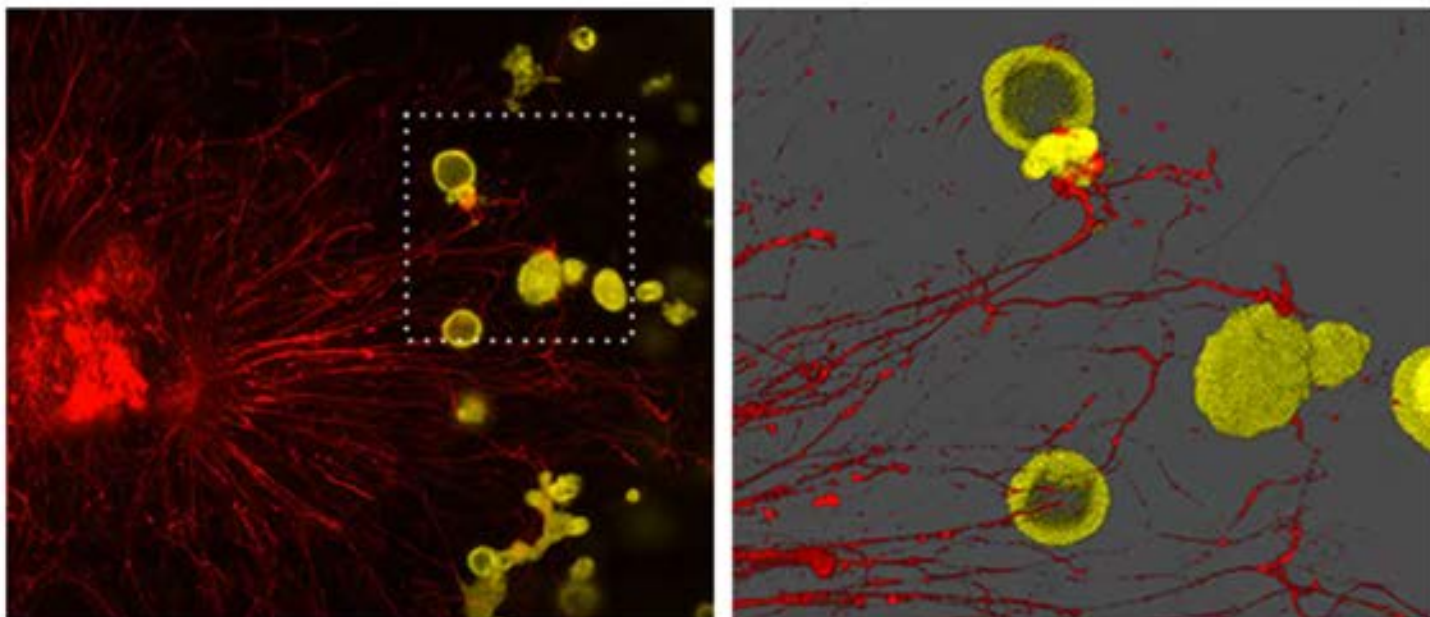
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Nerves Electrify Stomach Cancer, Sparking Growth and Spread

February 19, 2025



← [News \(/news\)](/news)



When sensory neurons (red) are cultured with stomach cancer organoids (yellow), the neuron and cancer cells create connections that resemble synapses and establish an electrical circuit among the cells. Images provided by Timothy Wang / Columbia University Vagelos College of Physicians and Surgeons.

Researchers have discovered that stomach cancers in mice make electrical connections with nearby sensory nerves and use these malignant circuits to stimulate the cancer's growth and spread.

It is the first time that electrical contacts between nerves and a cancer outside the brain have been found, raising the possibility that many other cancers progress by making similar connections.

Read the Paper

"Nociceptive neurons promote gastric tumor progression via a CGRP/Ramp1 axis," <https://www.nature.com/articles/s41586-025-08591-1> was published Feb. 19 in Nature.

"We know that many cancers exploit nearby neurons to fuel their growth, but outside of cancers in the brain, these interactions have been attributed to the secretion of growth factors broadly or through indirect effects," says [Timothy Wang](https://www.cancer.columbia.edu/profile/timothy-c-wang-md) (<https://www.cancer.columbia.edu/profile/timothy-c-wang-md>), the Silberberg Professor of Medicine at Columbia University Vagelos College of Physicians and Surgeons, who led the study and is one of the leaders in the growing field of cancer neuroscience.

"Now that we know the communication between the two is more direct and electrical, it raises the possibility of repurposing drugs designed for neurological conditions to treat cancer."

The wiring of neurons to cancer cells also suggests that cancer can commandeer a particularly rapid mechanism to stimulate growth.

"There are many different cells surrounding cancers, and this microenvironment can sometimes provide a rich soil for their growth," Wang says. Researchers have been focusing on the role of the microenvironment's immune cells, connective tissue, and blood vessels in cancer growth but have only started to examine the role of nerves in the last two decades.

"What's emerged recently is how advantageous the nervous system can be to cancer," Wang adds. "The nervous system works faster than any of these other cells in the tumor microenvironment, which allows tumors to more quickly communicate and remodel their surroundings to promote their growth and survival."

Cancer-neuron connections resemble synapses

As a gastroenterologist, Wang's research has focused on stomach and other GI cancers. About 10 years ago, he discovered that cutting the vagus nerve ([/news/severing-nerves-may-shrink-stomach-cancers](https://www.cuimc.columbia.edu/news/nerves-electrify-stomach-cancer-sparking-growth-and-spread)) in mice with stomach cancer significantly slowed tumor growth and increased survival rate.



Timothy Wang

Many different types of neurons are contained in the vagus nerve, but the researchers focused here on sensory neurons, which reacted most strongly to the presence of stomach cancer in mice. Some of these sensory neurons extended themselves deep into stomach tumors in response to a protein released by cancer cells called Nerve Growth Factor (NGF), drawing the cancer cells close to the neurons. After establishing this connection, tumors signaled the sensory nerves to release the peptide Calcitonin Gene Related Peptide (CGRP), inducing electrical signals in the tumor.

Though the cancer cells and neurons may not form classical synapses where they meet—the team's electron micrographs are still a bit fuzzy—"there's no doubt that the neurons create an electric circuit with the cancer cells," Wang says. "It's a slower response than a typical nerve-muscle synapse, but it's still an electrical response."

The researchers could see this electrical activity with calcium imaging, a technique that uses fluorescent tracers that light up when calcium ions surge into a cell as an electrical impulse travels through.

"There's a circuit that starts from the tumor, goes up toward the brain, and then turns back down toward the tumor again," Wang says. It's like a feed-forward loop that keeps stimulating the cancer and promoting its growth and spread."

Migraine drugs as a potential cancer treatment

For stomach cancer, CGRP inhibitors that are currently used to treat migraines could potentially short-circuit the electrical connection between tumors and sensory neurons.

In Wang's study, CGRP inhibitors administered to mice with stomach cancer reduced the size of the tumors, prolonged survival, and prevented the tumors from spreading.

"Based on our analysis of stomach cancer data from patients, we believe that the circuits we've found in mice also exist in humans and targeting them could be an additional useful therapy," Wang says.

"We know that when organs form during development, the nerves lead the way. From that point of view, it was not unexpected that nerves would be driving tumor growth as well."

Sensory neurons may also use CGRP to stimulate cancer through more indirect pathways. Unpublished findings from Wang's lab suggest that the neurons promote stomach cancer growth via contact with connective tissue cells in the tumor microenvironment. And other researchers have found that sensory nerves may, possibly through CGRP, cause T cell exhaustion and turn off immune responses directed at other types of cancers.

"But we think it all starts with the cancer cell setting up a neural circuit," Wang says.

"Nerves are an underappreciated master regulator of normal growth and regeneration in animals. We know that when organs form during development, the nerves lead the way. From that point of view, it was not unexpected that nerves would be driving tumor growth as well."

Topics

Cancer (/news/topics/cancer), Gastroenterology (/news/topics/gastroenterology), Research (/news/topics/research)

Additional information

Timothy Wang, MD (<https://www.cancer.columbia.edu/profile/timothy-c-wang-md>), is also the chief of the Division of Digestive and Liver Diseases at Columbia University Vagelos College of Physicians and Surgeons and is a member of Columbia's Herbert Irving Comprehensive Cancer Center.

The study, "Nociceptive neurons promote gastric tumor progression via a CGRP/Ramp1 axis" (<https://www.nature.com/articles/s41586-025-08591-1>), was published online Feb. 19, 2025.

All authors (from Columbia unless noted): Xiaofei Zhi (now at Affiliated Hospital of Nantong University, China), Feijing Wu, Jin Qian, Yosuke Ochiai, Guodong Lian, Ermanno Malagola, Biyun Zheng (Columbia and Fujian Medical University Union Hospital, China), Ruhong Tu, Yi Zeng, Hiroki Kobayashi, Zhangchuan Xia, Ruizhi Wang, Yueqing Peng, Qiongyu Shi, Duan Chen (Norwegian University of Science and Technology), Sandra W Ryeom, and Timothy C Wang.

This work was supported by grants from the NIH (U01DK103155, R01DK128195, R01CA272901, R01CA224428, R35CA210088, R01CA272891 and P50CA127003); NIH/NCI Cancer Center Support Grant P30CA013696 and resources of the Herbert Irving Comprehensive Cancer Center (Flow Cytometry Shared Resources, Molecular Pathology, Genomics and High Throughput Screening, the Oncology Precision Therapeutics and Imaging Core, and the Genetically Modified Mouse Model Shared Resource); and the Columbia University Digestive and Liver Disease Research Center (NIH grant P30DK132710) and its Bio-Imaging, Organoid, and Bioinformatics/Single-Cell Analysis Cores.

The authors declare that they have no competing interests.

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Training Your Electronic Health Record to Think Like a Liver Doctor

February 20, 2025



← News (/news)

Whenever a story on fatty liver disease appears in the media, Columbia hepatologist Julia Wattacheril (<https://doctors.columbia.edu/us/ny/new-york/julia-j-wattacheril-md-mph-622-west-168th-street>) does what most people try to avoid: she reads all the comments.



Julia Wattacheril

"I always learn a lot from what the public asks in the comment sections in public health pieces, it really reveals the gaps in communication," says Wattacheril, who directs a program for people with the disease (officially called MASLD, for metabolic dysfunction-associated steatotic liver disease) at Columbia University Vagelos College of Physicians and Surgeons. "It's the most common liver disease in the world, but it's still surprising how underrecognized this disease is among people on the street, patients, and even doctors."

Until recently, MASLD was called nonalcoholic fatty liver disease to differentiate the condition from fatty liver disease caused by heavy intake of alcohol and a host of other causes of fat in the liver. In MASLD, fat progressively builds up in the liver, sometimes triggering inflammation and scarring that over the years impairs the liver's functions. It is believed to affect about 30-40% of U.S. adults and up to 45% of the global population.

"In media stories about MASLD, the most common comment I read is: 'If 30% or 40% of the population has this disease, how do I know? What do I do?'" Wattacheril says.

"It's still surprising how underrecognized this disease is among people on the street, patients, and even doctors."

Part of the issue is that patients in the early and even some more advanced stages of the condition often have no symptoms. The finding can also fall down the list of competing issues to tackle in a provider visit.

"Expertise is limited, and I'm fortunate if a patient is referred to me after someone recognizes the risk factors and does a test," says Wattacheril, who specializes in treating patients with MASLD and the more severe form of the disease, MASH (metabolic dysfunction-associated steatohepatitis), through to cirrhosis and those requiring transplant. "Tons of patients make their way to us too late and already have cirrhosis of the liver—which is about to crescendo as the leading indication for transplantation. We could do a lot better at identifying and stratifying them earlier. But it does require a proactive approach towards health. Over the past years, it's often that patients recognize the finding in their report and ask their doctor to refer. And sometimes we find they are even beyond cirrhosis—so we shift the conversation and evaluation towards transplantation."

Mining electronic health records

A new technology Wattacheril is developing may do a better job of identifying patients by mining millions of data points within electronic health records. Her machine-based approach—recently run on the EHR system at Columbia University—identified approximately 16,000 potential MASLD patients, including two-thirds whose electronic records had no indication of a MASLD diagnosis. The findings—including validating results from two other medical centers—were published [↗](https://pmc.ncbi.nlm.nih.gov/articles/PMC11686338/)

(<https://pmc.ncbi.nlm.nih.gov/articles/PMC11686338/>) in January in the journal Clinical and Translational Science.

"We have basically taught a computer to think like a hepatologist... [we're] flagging patients who have scar tissue and don't know it, patients who may have the disease and don't know it."

"Our machine-based algorithm is flagging patients who have scar tissue and don't know it, patients who may have the disease and don't know it, and patients with atypical (or no) risk factors that put them into a high-risk category," Wattacheril says.

The technique does not currently rely on machine learning or AI but instead works like an automated physician by using natural language processing to read lab data, clinical notes, and radiology reports in a fraction of the time.

"We have basically taught a computer to think like a hepatologist," Wattacheril says. "We can now leverage expertise at a systems level. It's raising the antenna on patients who have risk factors but whose diagnosis remains hidden to provider recognition, often buried in an enormous chart that's hard to find in a time- and resource-limited practice."

Future iterations of the technology may incorporate machine learning and AI, but only after the researchers ensure that the data used to train an AI system won't cause any errors or lead to unanticipated problems. Wattacheril's team is about to start their first in-human trial to validate the software's diagnoses and stratifications in conjunction with regulatory guidance. In the next few months, Wattacheril's team will start reaching out to doctors and nurses whose patients were identified as potentially having MASLD with evidence of moderate fibrosis by the software to determine if they'll refer them for research-related testing and confirmation of computer findings.

A different era of therapeutics

MASLD patients have more options today than just a few years ago, which makes identifying them and accurately staging their disease key. Patients may benefit from several interventions, including lifestyle changes, new GLP-1 weight loss drugs, and drugs approved

just last year that can reduce scarring in some patients with MASH and fibrosis, the advanced form of the disease. “We are in a different era of therapeutics, noninvasive tests, clinical trials, and public frustration with the status quo,” Wattacheril says. “Therefore, we need to meet that new era with new technologies such as software as a medical device.”

“The essence of our algorithm is how it makes precision medicine possible, by filtering patients into different categories of MASLD,” Wattacheril says. “A lot of people will benefit from new GLP-1 drugs to reduce weight; but other patients have less-common forms of MASLD (like those with normal weight) and will need other approaches, including genomic testing to identify rare diseases like familial lipid disorders.”

“If they’re willing, we’ll test patients for MASLD with non-invasive tests, determine if they really have the disease identified by the software, and if so, connect them to clinical care and other research studies if they are interested. Then we’ll know if our technology is ready to be deployed for multisite validation. The timing could not be better.”

Topics

Precision Medicine (</news/topics/precision-medicine>), Research (</news/topics/research>), Data Science (</news/topics/research/data-science>)

Julia Wattacheril, MD, MPH, is an associate professor in the Department of Medicine (Division of Digestive and Liver Diseases) at Columbia University Vagelos College of Physicians and Surgeons.

EXHIBIT 13

[Home](#) » [Financial Overview](#)

Financial Overview

Advancing Columbia's academic mission depends on strategic and financial planning that provides sufficient resources for both current and future needs, ensuring that the University can support today's students and scholars as well as those of future generations. Our institution must remain nimble to seize new opportunities, as well as to adapt to broader economic conditions and operational challenges, such as those faced by the University in the pandemic.

This page offers an overview of University resources, provides answers to a range of questions about topics including the endowment, and links to information including University financial reports.

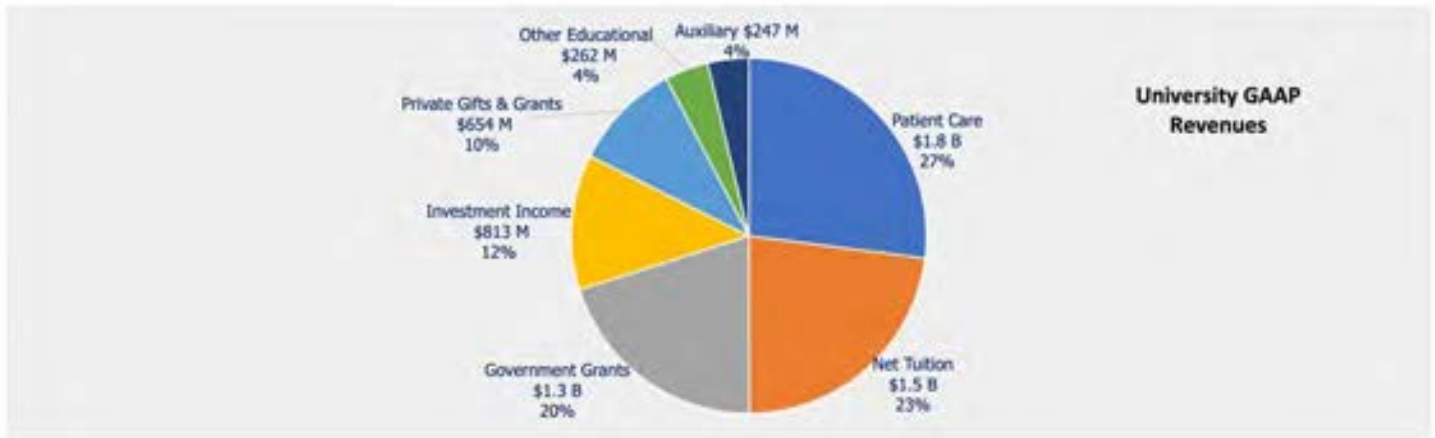
What's in the Financial Statements

▼ Revenue

Columbia's operating revenue for the last fiscal year (2024) was \$6.6 billion.

The University's mission is reflected in its three largest revenue streams: patient care revenue (clinical care delivered in our doctors' offices as well as services provided at affiliated inpatient facilities), tuition net of financial aid provided to students, and government grants and contracts (typically supporting our research activities).

Our revenue picture also conveys the critical support we receive from philanthropy through private gifts and the annual distribution from our endowment. This support enables the University to sustain programmatic excellence, maintain its physical campus and technical infrastructure, and invest in the future. The University depends on the support of our generous donors to balance our budget annually.

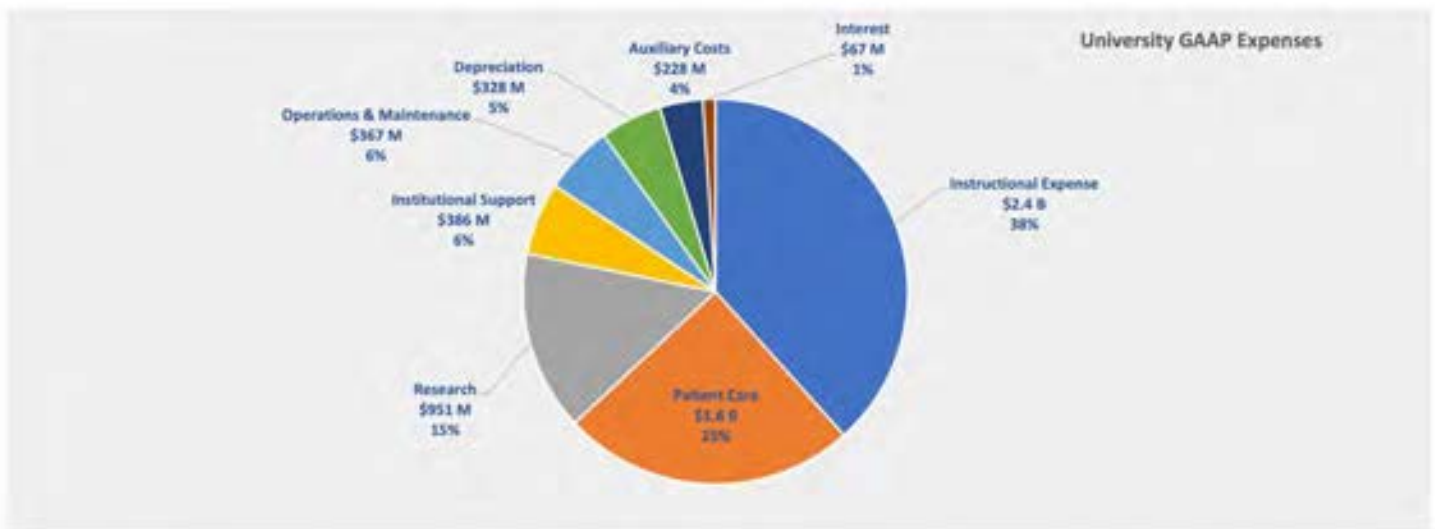


▼ Expenses

Total operating expenses for fiscal year 2024 were \$6.3 billion.

The largest category of expenditures is instruction and educational administration—the costs of delivering the courses and programs that comprise Columbia’s educational enterprise, as well as services provided to students such as career advising. Additional expenditures flow from our key activities such as patient care and research, as well as the costs to support infrastructure for the entire enterprise.

Expenditures for salaries, wages, and benefits are included and cut across the categories of functional expense reported on our financial statements. These salary and benefits expenses are roughly two thirds of total University expenses.



▼ Operating Surplus

Like most of its peers, Columbia has individual units that may generate an operating surplus in a given year. This operating surplus aggregates to a total surplus for the University, referred to in our financial statements as the “Change in net assets from operating activities.”

Given the decentralized financial model at Columbia, a substantial portion of the operating surplus is restricted to school- or department-specific uses. Some portion of the operating surplus is held by the central administration. Much of the centrally held surplus provides funding for capital construction projects to maintain and improve our campuses.

Our auxiliary operations (housing and dining) and residential real estate are just two examples of units with surpluses. They generate an operating surplus in order to fund significant capital projects for renovations and upkeep. The resources expended for these projects are not in our operating expenses, but rather are capitalized, reflected on our statement of cash flows and our balance sheet as we invest resources in projects to support “land buildings and equipment” and “institutional real estate.”

Another source of operating surplus can occur when Columbia receives gift funding in one period for activities that will stretch over multiple fiscal years. This creates a build-up of funds in one period and the spending down of funds in the subsequent year. Because our operating revenue on a GAAP basis reflects the commitments for gifts (pledges, as well as outright cash gifts), there can at times be substantial fluctuations in operating surplus due to the timing of the recognition of gifts versus the receipt of funds and the expenditures of gifts.

University Endowment

Endowment funds are an important part of Columbia operations, and they play an integral role in helping the University achieve its goals. They provide Columbia with a permanent source of funding to support financial aid, faculty and research, schools, departments, institutes, centers, capital projects, and more. Roughly 12% of the University budget is currently supported through an annual distribution from the endowment.

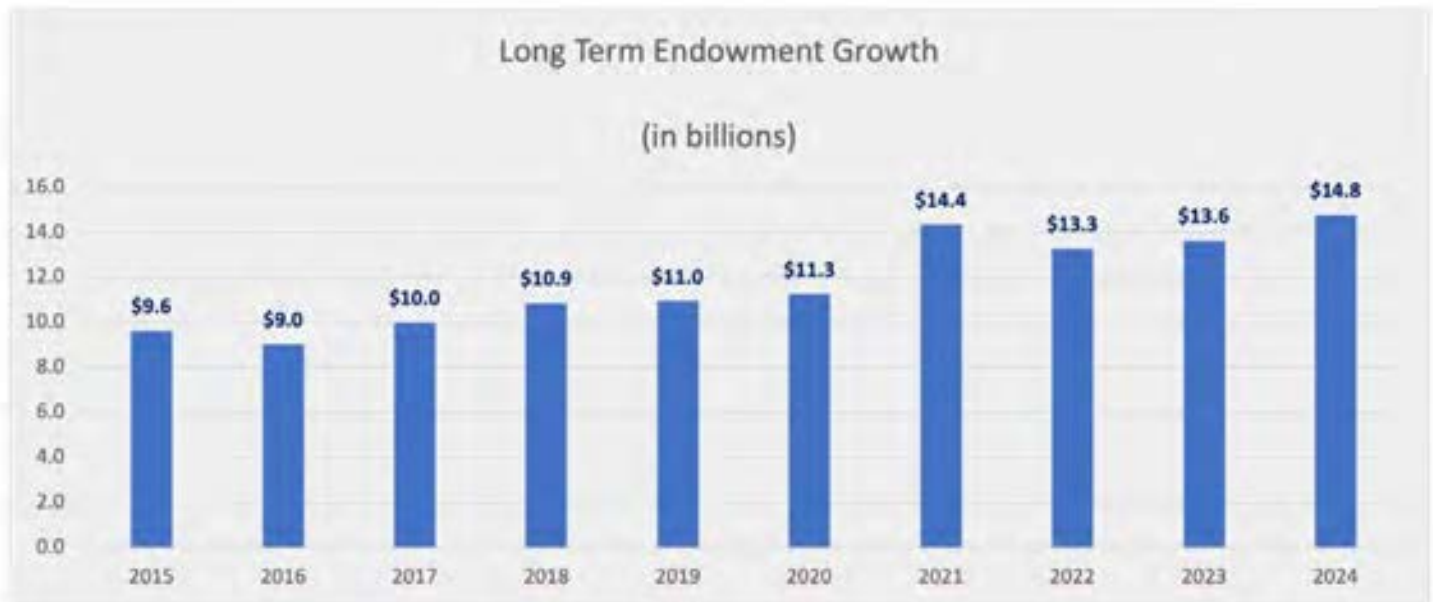
▼ Columbia Investment Management Company

[Columbia Investment Management Company](#) (IMC) is charged with managing the bulk of University endowments. The IMC is a limited liability company of which Columbia University is the sole member. The IMC is staffed by a team of investment professionals and overseen by a board of Columbia Trustees and former Trustees, as well as a small number of non-Trustee investment experts.

Endowment funds are managed by Columbia’s investment team through one commingled pool but are tracked separately, similar to units in a mutual fund. The scale of the pooled assets allows the University to take advantage of a range of investment vehicles to provide a higher total return over time within an acceptable level of risk. The annual distribution is set by Columbia’s Board of Trustees in accordance with the Endowment Spending Rule, described below.

▼ Growth

Columbia's endowment closed at \$14.8 billion for the period ending on June 30, 2024. The University's trailing 10-year annualized net investment return was 7.4 percent (after outside manager fees).



▼ Investing in the Future

We are often asked why Columbia can't use some of its endowment principal to pay for urgent needs. First, the gifts that comprise a university's endowment are typically restricted for specific purposes: to establish a scholarship, to provide faculty support in a particular field, to construct new facilities, or to support research on a designated topic. They cannot be repurposed for other uses, however urgent, that do not comply with the donor's instructions.

Second, endowments represent a promise by the University to sustain a commitment of resources directed to a purpose over time. It may be tempting to draw down the endowment to provide more funds for today's needs. But Columbia could not provide the level of excellence that it does today if past leaders had failed to sustain the purchasing power of the University's endowments. Columbia similarly has an obligation to future students and faculty to continue to grow the endowment to maintain the caliber of the institution.

Approximately 12% of Columbia's annual budget is funded with endowment distributions. The size of these distributions is governed by the [Endowment Spending Rule](#). An aggressive spending policy that outpaces real returns over the long-term would erode the ability of the endowment to fund essential teaching, research, and student support in the future.

▼ Endowment Spending Rule

The spending rule is a formula used to determine the annual endowment distribution, or payout. As already noted, it is designed to be responsive to investment returns and inflation, enabling the endowment to protect the corpus (original gift) and retain its purchasing power. Any growth in excess of the annual distributions is retained in the

endowment to buffer losses and enable growth over the long term.

The current endowment spending rule applies a target spending rate of 4.5 percent to a trailing market value of the endowment for a portion of our payout formula. It also factors in the prior year's spending grown by an inflation factor. Given the mechanics of the spending rule, the gains or losses in endowment return in any given year are generally phased in over time.

In the 2024 fiscal year, the distributions from the endowment for ongoing operations, excluding internal management fees, were effectively 5.2% of the endowment's market value at the beginning of July 2023, which is the start of Fiscal Year 2024.

A detailed explanation of the Endowment Spending Rule is provided in the notes to our financial statements.

▼ Socially Responsible Investing

The [Advisory Committee on Socially Responsible Investing](#) (ACSRI) was established in 2000 to advise University Trustees on ethical and social issues that arise in the management of the investments in the University endowment.

The committee's twelve voting members are drawn in equal proportion from students, faculty, and alumni to ensure that it is broadly representative of the University community. The process for the appointment of its members provides for balanced representation, over time, of the University's divisions and schools. Two University officers sit as non-voting members in addition to the twelve voting members.

Any member of the Columbia community can submit a proposal to the ACSRI. The Committee's [proposal submission guidelines](#) describe the process for bringing forward proposals, as well as the criteria used to evaluate proposals. The ACSRI may decide to evaluate a proposal and then may make a recommendation to the Board of Trustees regarding specific action. The ACSRI is advisory by definition, and any investment policy decisions require the approval of the Board.

▼ Notable Investment Policies

The IMC operates within an investment policy framework to maximize return utilizing an acceptable level of risk for the University, as approved by the Trustees. However, there are instances in which the Trustees have set specific investment guidelines to ensure consistency with the values of the institution.

Specific resolutions guiding the University's investment (or non-investment) in fossil fuels, tobacco, private prisons, and Sudan can be found on [the Columbia Finance website](#).

Annual Financial Reports

Each fiscal year, the Trustees of Columbia University release the [consolidated financial statements](#) of the institution, which includes the opinion of independent auditors.

University Statements and News

[Financial Statements Released for Fiscal Year 2024](#)

September 27, 2024

The University has posted financial statements for fiscal year 2024.

[IMC CEO Statement on FY24 Endowment Returns](#)

September 27, 2024

The total value of Columbia’s endowment as of June 30, 2024 was \$14.8 billion.

[Enhancements to Undergraduate Financial Aid for 2023-2024 Academic Year](#)

October 17, 2023

Additional enhancements to financial aid will support students attending Columbia College, Columbia Engineering, and Columbia School of General Studies.

[Enhancements to Undergraduate Financial Aid for 2022-2023 Academic Year](#)

April 26, 2022

Additional enhancements to financial aid will support students attending Columbia College, Columbia Engineering, and Columbia School of General Studies.

[Fossil-Free Construction Pledge](#)

September 20, 2021

As Climate Week NYC begins, the university explores creating a fully electrified campus.

[Columbia Student Support Initiative Is Announced](#)

April 08, 2021

A new effort dedicated to raising \$1.4 billion in financial assistance for students by June 2025.

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

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