

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 (JA769 – JA878)
VOLUME 6 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,

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EXHIBIT 77



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

May 5, 2025

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

Dr. Garber,

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

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

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

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

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

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

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

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

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

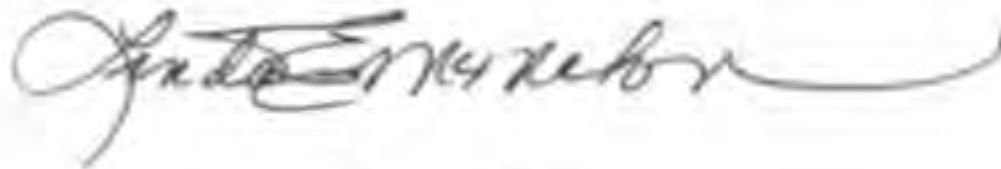
The above concerns are only a fraction of the long list of Harvard’s consistent violations of its own legal duties. Given these and other concerning allegations, this letter is to inform you that Harvard should no longer seek GRANTS from the federal government, since none will be provided. Harvard will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

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

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

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

Sincerely,

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

Linda E. McMahon
Secretary of Education

EXHIBIT 78

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[ANNOUNCEMENTS](#)

Preserving Columbia's Critical Research Capabilities

May 06, 2025



Dear members of the Columbia community:

In March, the University [shared its plan](#)  to assess and prioritize our research activity in light of substantial cuts to more than 300 multi-year awards for federally funded research. We write today to provide an update on the review process and share next steps as we continue to navigate how to best allocate resources amid significant fiscal pressures.

As many of you are aware, the University is engaged in a two-pronged effort related to grants terminated by the federal government. The first prong focuses on our continued efforts to restore our partnerships with government agencies that support critical research. Separately and in parallel, our Deans have carefully reviewed and prioritized our research activity to develop a plan for managing the affected research. We asked each principal investigator of a terminated award to develop a Research Action Plan (RAP) for review at the school level and to inform a school-based approach. During this review period, the University continued to fund those individuals whose salaries and stipends were previously funded with federal support on now-terminated awards.

JA774

Columbia's leadership continues discussions with the federal government in support of resuming activity on these research awards and additional other awards that have remained active, but unpaid. We are working on and planning for every eventuality, but the strain in the meantime, financially and on our research mission, is intense. Therefore, the second prong of our efforts is to take action to adjust—and in some cases reduce—expenditures based on current financial realities.

Moving forward, we will be running lighter footprints of research infrastructure in some areas and, in others, maintaining a level of research continuity as we pursue alternate funding sources. In some cases, schools and departments are winding down activity but remain prepared to reestablish capabilities if support is restored. Across the research portfolio we have had to make difficult choices and unfortunately, today, nearly 180 of our colleagues who have been working, in whole or in part, on impacted federal grants, will receive notices of non-renewal or termination. This represents about 20% of the individuals who are funded in some manner by the terminated grants.

We do not make these decisions lightly. We are deeply committed, at Columbia, to the critical work of invention, innovation and discovery. The excellence of our research portfolio is fundamental to our identity, and we are determined to support it. Part of that support means recognizing a changing landscape. Increasing budget constraints combined with uncertainty related to future levels of federal funding for research, including proposed reductions in facilities and administration (i.e., indirect costs) reimbursements, requires us to make difficult choices. We have had to make deliberate, considered decisions about the allocation of our financial resources. Those decisions also impact our greatest resource, our people. We understand this news will be hard.

As schools and departments moved through the process of reviewing priorities related to terminated awards, it became clear that we need to be prepared to make additional investments to secure the strength of our research enterprise as we navigate future periods of uncertainty and change. Additional complexities and risks include the process and funding for obtaining new awards and continuations of existing research projects. To that end, the University has established a Research Stabilization Fund to navigate these future funding risks and lend support to our scientific community in multiple forms. These resources will be made available through an application process for internal grants to scientists to support their work for a limited time as they seek alternate sources of funding or complete the components of their research to enable publication of results. In addition, the University will contribute funds to schools over the next year to support our commitments to graduate students and post-doctoral fellows on terminated training grants, an area that has been severely impacted by terminations of federal support. The [Stabilization Fund and Other Resources](#)  webpage developed by the Office of the Executive Vice President for Research provides more details about these funds and other resources on funding opportunities for the research community.

Federal actions over the last several months and our perspective on the scale and scope of future funding challenges requires that we look across the University, not just to areas directly impacted by federally funded research, and continue to support Columbia as a national leader in higher education, pioneering research, outstanding patient care, and global societal impact. We will continue to make prudent budget decisions that will ensure long-term financial stability across the University, including making significant budget reductions within the University's central administration. Across the University, we have set parameters to keep most salaries at their current level, without increases for the next fiscal year, with some schools and units providing a modest pool for employees at the lower end of their salary distribution. We have also developed programs to further streamline our workforce through attrition and are preparing to launch a voluntary retirement incentive program, the details of which will be shared next week.

In the coming weeks and months, we will need to continue to take actions that preserve our financial flexibility and allow us to invest in areas that drive us forward. This is a deeply challenging time across all higher education, and we are attempting to navigate through tremendous ambiguity with precision, which will be imperfect at times.

We are grateful for the exceptional leadership and professionalism of our deans, chairs, and senior management who have come together to navigate this critical moment with care and integrity, while upholding and advancing Columbia's mission, values, and the unique qualities that make this a vital, extraordinary place. At the heart of everything we do is our unwavering commitment to the important work that Columbia has led for more than 270 years. As we continue to move forward, the compassion and teamwork of our community exemplify the best of Columbia.

Sincerely,

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

Angela V. Olinto
Provost, Professor of Astronomy and of Physics

Anne Sullivan
Executive Vice President for Finance

Jeannette Wing
Executive Vice President for Research, Professor of Computer Science

News

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EXHIBIT 79

OPINION | OP-EDS

An open letter to the Columbia administration



By [Anna Fedorova](#) / Staff Photographer

BY [DPP/DPPOS RESEARCH GROUP](#) • MAY 4, 2025 AT 8:38 PM

[Share](#)

On March 10, the federal grant funding the Diabetes Prevention Program Outcomes Study [was terminated](#) by the National Institutes of Health as part of the federal government's response to alleged Title VI infractions at Columbia. Although Columbia is considered the primary recipient of this grant, 90 percent of the funds were being spent outside of Columbia through subcontracts to 30 Diabetes Prevention Program Outcomes Study centers located in 21 states. However, as the central [financial grantee](#), only Columbia can appeal the termination of the grant, and to date, it has been reluctant to do so. Without funding, the DPPOS, [which is almost 30 years old](#), will die.

JA778



subject through a lifestyle intervention program directed at weight loss and increased physical activity. Its major results were announced in 2001 and published in the New England Journal of Medicine in 2002. Today, the DPP publication remains the most frequently cited article in the diabetes prevention literature. The DPP lifestyle intervention was subsequently adopted by the Centers for Medicare and Medicaid Services as the Medicare DPP.

Since the completion of the DPP, which spanned from 1996 to 2001, its participants have been continuously monitored to determine the longer-term consequences of diabetes prevention, including potential benefits for heart disease, stroke, eye and kidney disease, cancer, and frailty. Of note, the prediabetes and diabetes populations in the United States total approximately 100 million and 40 million, respectively. The DPPOS study therefore seeks to study health concerns that affect a substantial fraction of the U.S. population—thus the long-term maintenance of the study is critical to addressing multiple major public health issues.

Beginning in 2022, DPPOS turned its attention to examining the development of Alzheimer’s disease and other dementias among its diabetic and prediabetic members, who now have an average age in the 70s. With the shift in focus, the funding moved to Columbia, which in turn distributed it nationwide.

Since March 10, the DPPOS leadership has sought to have the funding restored by highlighting our innocent bystander status in the press and appealing to members of the Congressional Diabetes Caucus, the largest caucus in Congress. Thus far, Columbia has not submitted a formal appeal of the termination to the NIH on our behalf; instead, it has required us to wait while it negotiates a University wide appeal. Unfortunately, this places our study in grave peril. Staff at the 30 clinical sites are already being laid off, and clinics are preparing to close.

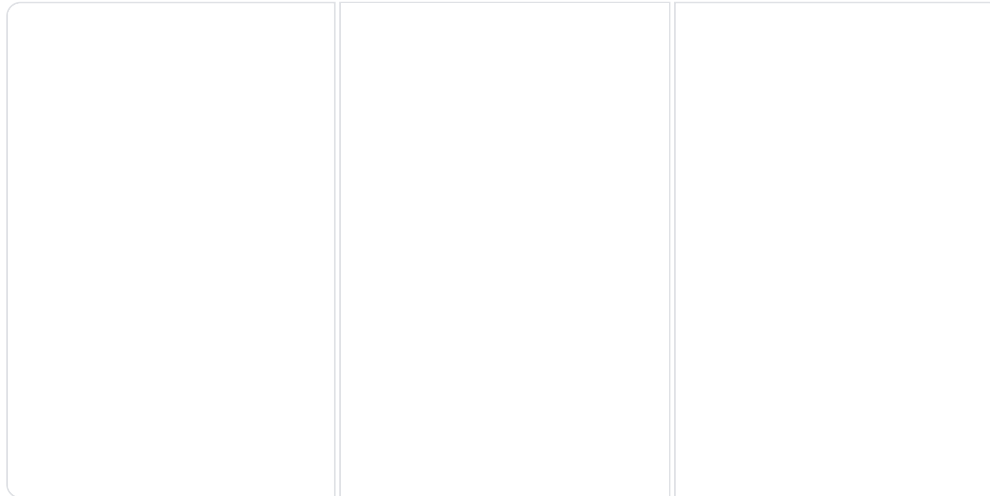
The failure of Columbia to file a timely appeal on behalf of the DPPOS is damaging the DPPOS infrastructure irreversibly. We cannot wait any longer to submit the appeal, which may be our only hope. Further, Columbia has prevented us from submitting an application to the NIH for a supplement that would allow us to conduct an orderly close-out, protect the data, and honorably conclude the relationship with study participants. The loss of the DPPOS would mean that important public health questions related to diabetes and dementia may never be answered: the almost 30 years of data it has collected from its 1,700 current participants is unique and cannot be replicated.

The DPPOS is addressing the prevention of chronic diseases that have been highlighted by the current federal administration. Every day that goes by threatens the survival of this valuable scientific resource. Without funding, staff at our 30 centers will need to find new employment; with their departure, long-term connections with loyal participants will inevitably disintegrate.



termination immediately. Alternatively, Columbia could request supplemental funding from the NIH in order to carry out an orderly study closeout. Unless Columbia acts now, the DPP/DPPOS will end, leaving unaddressed some of the most important questions in public health.

The Diabetes Prevention Program and DPP Outcomes Study Research Group is composed of the investigators and staff at the study centers including the participant study sites, coordinating center, central laboratory, and reading centers.



Editor's Top I
Baja Llama

To respond to this op-ed, or to submit your own, contact opinion@columbiaspectator.com.

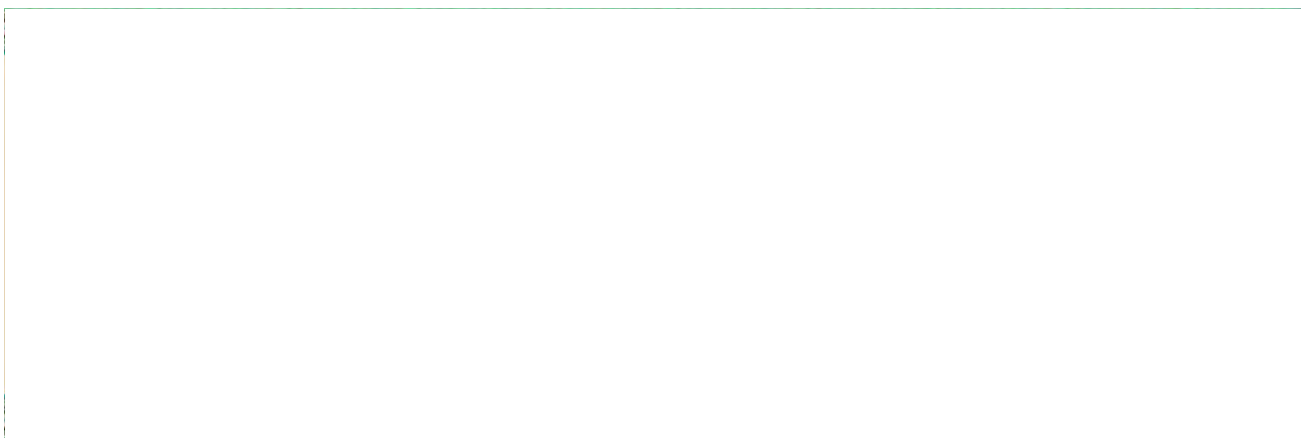


EXHIBIT 80

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<https://www.wsj.com/us-news/education/trump-columbia-university-consent-decree-proposal-d21830f2>

EXCLUSIVE**U.S. EDUCATION NEWS**[Follow](#)

Trump Administration Proposes Terms for Federal Oversight of Columbia University

The government has presented the Ivy League school with a proposal for a consent decree

By [Liz Essley Whyte](#) [Follow](#) and [Douglas Belkin](#) [Follow](#)

May 5, 2025 5:22 pm ET



Columbia University was thrust into a battle with the Trump administration in March. PHOTO: CHARLY TRIBALLEAU/AGENCE FRANCE-PRESSE/GETTY IMAGES

Key Points

What's This? [i](#)

- The Trump administration proposed a consent decree for Columbia, granting a judge oversight of compliance.
- The government is seeking viewpoint diversity among faculty and wants Columbia not to consider race in admissions.
- Columbia faces a choice: to negotiate decree, or fight in court, risking funding and public scrutiny.

The Trump administration has presented Columbia University with a proposal for a [consent decree](#), a form of federal oversight that would give a judge responsibility for ensuring Columbia complies with the agreement, according to people familiar with the matter.

Columbia leaders are negotiating with the government and weighing what to do, the people said. The university's board is undecided on whether to accept a consent decree, they said. For a consent decree to take effect, Columbia would have to agree to enter it.

The government has told the school that it can either negotiate and accept a consent decree, or face a court battle that could end up with the school facing more public scrutiny and in the end the same kind of legal agreement to make changes, perhaps with worse terms, they said.

With a consent decree, the government is seeking viewpoint diversity among Columbia's faculty and that the school not consider race in admissions, the people said.

Columbia was thrust into a battle with the Trump administration in March, when the government [canceled \\$400 million](#) in federal grants and contracts over concerns about campus antisemitism. The school agreed to an [initial list of demands](#), and is now in further talks about the future of its federal funding.

The negotiations at Columbia are part of a broader fight between the Trump administration and elite universities. The White House is also fighting [Harvard University](#) over federal funding, among other things.

A Columbia spokesperson said: "This story is based entirely on hearsay and does not hold merit." She pointed to a statement issued last month from acting university president Claire Shipman, who said that Columbia would reject any agreement that would require relinquishing its independence.

A consent decree would be a major escalation of how the federal government normally resolves education-related civil-rights issues. Typically after federal lawyers investigate and find evidence that civil rights were violated, schools enter voluntary agreements to change their practices. The federal government has little ability to enforce such agreements. The Biden administration entered into such voluntary agreements over antisemitism concerns with Brown University and Rutgers.

Columbia could fight the move in court; the Justice Department would need to prove that the arrangement is warranted. But a court case could take years, and Columbia would likely lose federal funding in the interim—and might ultimately lose. Opposing the move would also open the school up to required depositions and legal fact-finding, which could keep the school's campus politics in the spotlight.

Typically a consent decree involves a legally binding agreement, with compliance overseen by a judge. In the past, the government has implemented consent decrees in instances such as the Live Nation merger, where the newly formed company agreed to certain restrictions. Such decrees were used heavily during the Obama administration to negotiate with cities for changes to their police departments.

Write to Liz Essley Whyte at liz.whyte@wsj.com and Douglas Belkin at Doug.Belkin@wsj.com

Appeared in the May 6, 2025, print edition as 'Columbia Pressed To Accept Consent Decree'.

Further Reading

Trump Administration Cuts Off New Federal Grants to Harvard

Bill Ackman Backs Harvard Losing Tax-Exempt Status, Calls for Board Overhaul

Harvard's Brawl With Trump Casts Doubt on Its Pristine Credit

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Supplemental Declaration of Todd Wolfson

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

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

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

SUPPLEMENTAL DECLARATION OF TODD WOLFSON

I, Todd Wolfson, hereby declare as follows:

1. I currently serve as President of the American Association of University Professors (“AAUP”), a plaintiff in this action. I have served in that position since June 2024. I previously submitted a declaration in this action describing my background. *See* Declaration of Todd Wolfson (Mar. 31, 2025) (ECF 27).

2. I have personal knowledge of the facts set forth in this supplemental declaration in support of Plaintiff’s Motion for Preliminary Injunction, and if called as a witness in this action, I could and would testify competently to these facts.

3. In my previous declaration, I described harms that the AAUP’s members and the AAUP itself have suffered and will suffer from Defendants’ actions without a preliminary injunction. I have reviewed declarations submitted by other AAUP/AFT members describing harms they have suffered and will suffer without a preliminary injunction. I have also reviewed the April 1, 2025 Declaration of AFT Director of Higher Education Julie Schmid, describing harms

that the American Federation of Teachers (“AFT”), AAUP’s affiliate organization and co-plaintiff in this action, has suffered and will suffer without a preliminary injunction. This supplemental declaration summarizes the harms to the AAUP, the AFT, and their members described in those prior declarations.

Harms to AAUP and AFT Members

4. The following paragraphs of my pervious declaration and other AAUP/AFT members’ declarations describe the direct financial harms from loss of federal funding that AAUP/AFT members are suffering from Defendants’ cancelation of federal funding to Columbia and are at imminent risk of suffering as a result of Defendants’ threats to cancel more funding if Columbia does not accede to Defendants’ demands:

- a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶¶13, 15 (AAUP/AFT member’s grant cut, grant covered 80% of salary), ¶¶22-23 (canceled grant covered “bulk” of salary), ¶¶32, 36 (grant funding two professors was canceled), ¶¶43, 49 (canceled grant covered 15% of salary, with other canceled grants covering “a large part” of their salary).
- b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶15 (canceled grant would have provided salary support).
- c. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶12 (Columbia committed to provide temporary salary coverage for portion of canceled grant during “immediate period of uncertainty,” but not beyond).
- d. **Declaration of Witness-A (ECF 34, under seal):** ¶6 (salary nearly 100% covered by grant funding, with direct relationship between salary and grant funding), ¶¶8-10 (two grants canceled).
- e. **Declaration of Witness-B (ECF 35, under seal):** ¶¶7-8, 18 (position depends on grant funding, grants support up to 25% of salary, and several grants were terminated).
- f. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶9 (AAUP/AFT members rely on federal grants to support their research, scholarship, and teaching activities),

¶10 (AAUP/AFT members have lost funding as a result of \$400 million cancellation),
¶11 (AAUP/AFT members rely on federal funding Defendants have threatened to cancel), ¶12 (AAUP/AFT members concerned about losing their jobs or ability to continue to support their livelihoods).

5. The following paragraphs of other AAUP/AFT members' declarations describe examples of how Defendants' cancellation of federal funding to Columbia is harming ongoing and future work on previously approved multi-year grants:

- a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶13 (termination of 5-year NIH U2R grant, with 1.5 years remaining), ¶17 (T32 training grants for PhD students in middle of 5-year grant), ¶22 (3-year NIH K01 grant terminated 2 months into project), ¶32 (5-year grant from National Cancer Institute canceled 1.5 years into grant), ¶35 (research halted after grant withdrawn, including clinical trial that had not yet begun), ¶¶43-44 (3-year grant, about 6 months into program).
- b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶¶7, 10 (termination of 3-year NIH P20 grant just recently awarded).
- c. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶¶8-9 (termination of NIH 5-year grant for pre-doctoral research training program, currently in year 3).
- d. **Declaration of Witness-A (ECF 34, under seal):** ¶9 (termination of multi-year grants).

6. The following paragraphs of my previous declaration and other AAUP/AFT members' declarations describe harms beyond the loss of money that AAUP/AFT members and others are suffering and are at imminent risk of suffering as a result of Defendants' cancellation of federal funding to Columbia and threats to cancel more funding if Columbia does not accede to Defendants' demands:

- a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶14 (cancellation caused interruption of collaborative research and training activities with scientists and trainees at other institutions), ¶17 (lost training and mentoring from NIH training grants), ¶18

(fewer training grants means smaller cohort of doctoral students, reduced research productivity for faculty, reduced teaching by teaching assistants), ¶24 (end of employment of research assistant), ¶25 (lost critical career development support for early career researchers, including training programs, data access, seminars, travel to collaborate; disruption of coordination with advisory teams and delayed access to knowledge and skills), ¶26 (will “jeopardize future recruitment opportunities” by causing inadequate training), ¶35 (research halted after grant withdrawn, including clinical trial that had not yet begun), ¶37 (termination of 10 people with unique experience and skills in South Africa supporting research will “set back this project and lifesaving research to combat cervical cancer substantially”), ¶38 (forced reneging on commitments to partners “erode[s] trust” with partnering organizations), ¶45 (cuts harm external partners at other universities), ¶46 (masters students working as research assistants laid off), ¶48 (causing delay in environmental health research).

- b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶10 (cancellation means faculty cannot hire to support research), ¶¶11-14 (laid off staff in Nairobi who had experience and standing in the community important for community health work), ¶16 (lost training opportunities for PhD students), ¶¶17-22 (stopping work “breaks the trust of the community” which is “vital” for research and will harm future efforts even if other funding were found), ¶19 (lost opportunities for conferences and knowledge-sharing), ¶¶24-25 (stopping work harms “trust and long-standing relationships with the local stakeholders” critical to research making it difficult to do future work because of this damaged trust).
- c. **Declaration of Victoria Frye (March 30, 2025) (ECF 31):** ¶¶6-8 (loss of T32 training grants for pre-doctoral students means less research work), ¶9 (“training program grants are critical to the development of future scientists in HIV-prevention and in research generally – the cutting of training program funding risks decimating a

- generation of scientists”); ¶10 (cuts harm ability to do long-term planning), ¶11 (harm to HIV research “threatens the health of all our communities”).
- d. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶¶8-10 (termination of training grant “puts the survival of the doctoral program as a whole in peril”), ¶13 (trainees denied access to regional meetings and conferences vital for professional development), ¶14 (unable to hire for future cycles).
 - e. **Declaration of Witness-A (ECF 34, under seal):** ¶9 (end of study breaks trust, makes it hard to recruit new study participants), ¶10 (stopping longitudinal study makes data collected earlier of little use), ¶12 (ending training grants hurts next generation of health sciences, makes it more difficult to recruit American students to health science).
 - f. **Declaration of Witness-B (ECF 35, under seal):** ¶¶12-13 (long-term project close to being finished has stopped, “years of hard work are basically lost”), ¶16 (cancellation breaks trust with collaborators outside Columbia, also detrimental to faculty’s reputation, even if funding is restored), ¶17 (harms workers at other universities who were funded as part of grant), ¶20 (likely causes layoffs of people with expertise), ¶29 (irrevocably complicates long term planning necessary to do collaborative work), ¶32 (harm to research risks harms to community health).
 - g. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶10 (funding cancellation causes AAUP members irreparable harm to their research, work, reputation, and ability to pursue their careers), ¶11 (uncertainty makes it difficult to plan, maintain professional relationships, and recruit staff).

7. The following paragraphs of my previous declaration and other AAUP/AFT members’ declarations describe harms that AAUP/AFT members and others are suffering to their First Amendment free speech, association, and academic freedom rights as result of Defendants’ actions:

- a. **Declaration of Reinhold Martin (April 2, 2025) (ECF 29):** ¶20 (cuts “have had a chilling effect on everyone at Columbia”), ¶54 (causing students and faculty to be “far

- more self-conscious in the classroom”), ¶¶57-59 (own teaching constrained; classroom environment “has become noticeably less open”), ¶¶62, 64 (faculty “unable to step forward and speak freely”).
- b. **Declaration of Susan Witte (March 31, 2025) (ECF 30):** ¶¶29-30 (“I’m uncertain about what I can and cannot say in the classroom or in public” and Defendants’ actions are “prevent[ing] me from expressing what should be a valid and legal viewpoint in the United States”), ¶32 (student refused to complete assignment for fear government could access it), ¶¶34-36 (funding cuts caused “second-guessing how my words may be taken out of context”; “my academic freedom is chilled”).
 - c. **Declaration of Victoria Frye (March 30, 2025) (ECF 31):** ¶¶15, 17 (“I now no longer talk freely in my work building” and “I am concerned that if I speak out, I will lose funding or others close to me will lose funding, and then our research study participants will be harmed”), ¶16 (faculty changed information session due to fear of government).
 - d. **Declaration of Jennifer Hirsch (April 2, 2025) (ECF 32):** ¶21 (fear about participating in this case), ¶24 (fear that speaking out “will lead to me being blacklisted at NIH”).
 - e. **Declaration of Witness-B (ECF 35, under seal):** ¶¶34-35 (feel chilled in my speech in teaching and around campus).
 - f. **Declaration of Witness-C (ECF 36, under seal):** ¶7 (funding cancelation and March 13 demands are chilling speech on campus, stifling classroom discussion and participation, event programming and external speaker visits, and research by students and faculty), ¶8 (students are scared to speak in class; one student compared the chill to their experience studying in Russia), ¶9 (faculty fear speaking openly in classrooms, events have been canceled, course material restricted or deleted from online).
 - g. **Declaration of Witness-D (April 1, 2025) (ECF 38, redacted):** ¶¶13-16 (students at other colleges fear speaking), ¶¶18-22 (faculty at other colleges are experiencing chill, changing teaching and choice of reading assignments).

- h. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27): ¶28** (faculty have canceled conferences, pulled papers set for publication, decided not to teach certain classes, stopped attending talks, refrained from attending lawful protests, and stepped down from their AAUP chapter board).

Harms to the AAUP and the AFT

8. The following paragraphs of my previous declaration and the declaration of AFT Director of Higher Education Julie Schmid describe ways that Defendants' actions have directly impaired the AAUP's and the AFT's missions to advance academic freedom and protect the economic security of academic workers:

- a. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27): ¶16** (Defendants' funding cancelation and threats to cancel more "are directly impairing the AAUP's mission" including mission "to advance academic freedom and shared governance in higher education, define fundamental values and standards for higher education, promote the economic security of academic workers, and ensure higher education's contribution to the common good"), ¶22 (Defendants' actions "disrupt and frustrate the AAUP's efforts to secure principles of academic freedom, shared governance, and due process at Columbia and elsewhere"), ¶24 (Defendants' actions "make it harder for the AAUP to achieve its goals of promoting academic freedom, shared governance, and due process principles," partly "because Columbia has taken steps in direct response to the Trump Administration's actions to undermine those principles," and Columbia is "less willing now to protect those principles in the face of threatened funding cuts"; Defendants have also "directly impaired the AAUP's mission by pressuring Columbia to curtail speech and academic freedom on campus").
- b. **Declaration of Julie Schmid (April 1, 2025) (ECF 28): ¶12** (cancelation of funding and demands that Columbia take additional steps as a "precondition" for any continued federal funding directly impairs AFT's mission), ¶21 (Defendants' actions "have undermined and eroded the longstanding principles of academic freedom, shared

governance, and due process that the AFT helps and seeks to protect at Columbia and other institutions” and “[a]s a direct result of Defendants’ actions, Columbia no longer adheres to these principles”), ¶23 (Defendants’ actions “make it harder for the AFT to achieve its goals of promoting academic freedom, shared governance, and due process principles in part because of the steps Columbia has taken in response to the Trump Administration’s actions to undermine those principles”).

9. The following paragraphs of my previous declaration and the declaration of AFT Director of Higher Education Julie Schmid describe ways that Defendants’ actions have forced the AAUP and the AFT to spend money and divert substantial resources from other efforts:

- a. **Declaration of Todd Wolfson (March 31, 2025) (ECF 27):** ¶20 (AAUP diverted staff time and expenses to assist Columbia members respond to Defendants’ demands), ¶23 (Defendants’ actions are costing AAUP more time and expenses to respond to government’s threats to academic freedom), ¶¶25-27 (AAUP forced to conduct nationwide calls and meetings to coordinate responses and represent faculty; redirected staff to be physically present on Columbia’s campus to support campus chapter’s response; spent “countless hours” advising Columbia members about government’s demands to place controls on MESAAS Department).
- b. **Declaration of Julie Schmid (April 1, 2025) (ECF 28):** ¶¶19-20 (AFT diverted staff time and resources that would be devoted to other work to host weekly calls, biweekly webinars, and produces weekly newsletter to advise affiliate leaders and members seeking guidance on how to respond to funding cuts and threats; and drafted contract and policy language to be used by affiliates), ¶22 (will cause significantly greater expenditures from AFT Defense Fund to support academic freedom and due process rights of faculty), ¶24 (forces to divert resources to respond to significant influx of inquiries from affiliates and members seeking guidance on how to protect academic freedom)

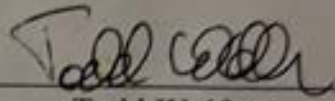
10. Since I signed my previous declaration on March 31, 2025, Defendants' funding cuts, threats to make additional cuts if Columbia does not accede to their demands, and freezing of additional federal funding to Columbia, including freezing all NIH grants, have directly frustrated the AAUP's core activities of providing counseling, advice, and support services to AAUP chapters and members to advance the AAUP's mission to protect academic freedom, due process, and economic security of higher education professionals. Defendants' actions have caused the AAUP to divert additional time, money, and staff resources from other efforts to respond to Defendants' actions. For example, since March 31, 2025, the AAUP has assigned a staff person to spend 90% of his time supporting the Columbia AAUP chapter, providing guidance, assistance, advice, and support services focused on helping the chapter protect the academic freedom and economic security of AAUP members at Columbia from the harms caused by Defendants' actions and threats. The AAUP's Executive Director has spent 10-12 hours in the past month alone focused exclusively on the AAUP's guidance and support services to the Columbia AAUP and its members. The AAUP's Secretary Treasurer has also spent substantial time creating organizing materials specifically for the Columbia AAUP chapter.

11. The AAUP diverted time, money, and staff resources to engage in these efforts and the efforts described in my previous declaration to respond to Defendants' actions that directly harmed the AAUP's ability to provide its core services to its chapters and members. Had Defendants not cut funding to Columbia and threatened to cut more funding unless Columbia complied with Defendants' demands, the AAUP would have used that staff time, money, and resources to engage in different tasks intended to promote other aspects of the AAUP's mission. For example, the AAUP would have assigned the staff person who has been almost exclusively dedicated to supporting the Columbia chapter to support other AAUP chapters. The AAUP's leadership has postponed addressing routine personnel matters that would have been addressed and resolved had leadership not been forced to dedicate its time to supporting the Columbia chapter and its members. The AAUP has also diverted staff time, resources, and money from other AAUP

chapters, and has not provided the support and services for organizing efforts at other universities that AAUP would have provided had it not been for Defendants' actions.

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

Executed on this 6th day of May 2025.



Todd Wolfson

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Supplemental Declaration of Julie Schmid

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

SUPPLEMENTAL DECLARATION OF JULIE SCHMID

I, Julie Schmid, hereby declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts in this declaration. I serve as the Director of Higher Education at the American Federation of Teachers (“AFT”), one of the plaintiffs in this lawsuit. I previously submitted a declaration in this action describing my background. *See* Declaration of Julie Schmid (Apr. 1, 2025) (ECF 28).

1. I have personal knowledge of the facts set forth in this supplemental declaration in support of Plaintiff’s Motion for Preliminary Injunction, and if called as a witness in this action, I could and would testify competently to these facts.

2. In my previous declaration, I described harms that the AFT’s members and the AFT itself have suffered and will suffer from Defendants’ actions without a preliminary injunction. *See* Declaration of Julie Schmid (Apr. 1, 2025) (ECF 28) ¶¶12, 19-25. This supplemental declaration describes additional harms that Defendants’ actions have caused to the AFT since I signed my prior declaration.

3. Since I signed my previous declaration on April 1, 2025, Defendants' funding cuts to Columbia, threats to make additional cuts if Columbia does not accede to their demands, and freezing of additional federal funding to Columbia, including freezing all NIH grants, have directly frustrated the AFT's core activities of providing counseling, advice, and representation services to AFT chapters and members to advance the AFT's mission to protect academic freedom, due process, and economic security of higher education professionals. Defendants' actions have caused the AFT to divert additional time, money, and staff resources from other efforts to respond to Defendants' actions. For example, since April 1, 2025, the AFT has spent time and resources offering webinars and workshops addressing academic freedom and free speech concerns that chapters and members have raised as a direct result of the actions taken by the Defendants against Columbia. To support this effort, AFT's Higher Education Program and Policy Council established a subcommittee tasked with creating resources on academic freedom and free speech, with support from AFT staff. On April 3, 2025, as part of the AFT's counseling and representation services to its chapters and members, the Shanker Institute partnered with the AFT Higher Education Division to host an event titled, "Antisemitism, Democracy, and the Assault on Knowledge & Education," where panelists discussed how the Defendants exploited real concerns about antisemitism to attack higher education institutions like Columbia and offered advice to members on how to protect their rights. In her April 20, 2025 New York Times column, AFT president Randi Weingarten discussed how the Defendants' actions have undermined the pursuit of knowledge and the right to free speech, directly impairing the AFT's core activities. On April 23, 2025, the AFT released a podcast titled, Higher Education Under Attack, available at www.aft.org/uniontalk, focusing on the Defendants' attacks on higher education institutions and how members can defend their academic freedom and free speech rights.

4. The AFT diverted time, money, and staff resources to engage in these efforts and the efforts described in my previous declaration to respond to Defendants' actions that directly harmed the AFT's ability to provide its core services to its chapters and members. Had Defendants not cut funding to Columbia and threatened to cut more funding unless Columbia complied with

Defendants' demands, the AFT would have used that staff time, money, and resources to engage in different tasks intended to promote other aspects of the AFT's mission. For example, the AFT's previously ongoing and planned efforts aimed at increasing public funding for higher education and securing job security to contingent faculty have been redirected towards defending academic freedom through servicing and counseling to AFT chapters and members. Last summer, as part of its Real Solutions in Higher Education campaign, the AFT pledged \$1 million to support state and local affiliates in addressing job insecurity on campuses for contingent faculty, reducing public disinvestment in our colleges and universities, and fighting threats to academic freedom. Since its launch, the AFT has rejected more than \$900,000 in grant requests from affiliates related to job insecurity for contingent faculty and reducing public investment in colleges and universities, as a result of the AFT's need to focus its resources on the defense of academic freedom at Columbia and other campuses.

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

Executed on this 7th day of May 2025.



Julie Schmid

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Supplemental Declaration of Reinhold Martin

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

SUPPLEMENTAL DECLARATION OF REINHOLD MARTIN

I, Reinhold Martin, hereby declare as follows:

1. I am a Professor of Architecture at Columbia University and president of the Columbia chapter of the American Association of University Professors (AAUP). I previously submitted a declaration in this action describing my background. *See* Declaration of Reinhold Martin (Apr. 2, 2025) (ECF 29).

2. I have personal knowledge of the facts set forth in this supplemental declaration, and if called as a witness in this action, I could and would testify competently to these facts.

3. In my previous declaration, I described harms that I and other AAUP members have suffered and will suffer from Defendants' actions without a preliminary injunction. This supplemental declaration describes additional harms that Defendants' actions are causing on campus, including to AAUP members.

4. AAUP's membership includes faculty in the Middle Eastern, South Asian, and African Studies department (MESAAS). I understand that in response to Defendants' demands,

Columbia has appointed a Senior Vice Provost, Miguel Urquiola, to “review” the department and that his review is underway.

5. I have learned about many additional AAUP members who have been directly affected by Defendants’ termination of federal funding. For example, I am aware of an AAUP member at the Teachers College whose grant from the Department of Education was terminated and has not been reinstated.

6. As of the date of this declaration, it is my understanding that Defendants have not restored the vast majority of the federal funding to Columbia that they canceled in March. Columbia’s leadership has repeatedly indicated that the university remains in discussions with the federal government. The faculty has not received information about the details of those discussions, including about any specific additional demands the government has made. The government has not, to my knowledge, withdrawn any of the demands that it previously made.

7. AAUP members have expressed uncertainty and confusion about the extent to which Columbia intends to cover some portion of the terminated funding, including, in particular, the salaries for individuals funded by terminated grants. In a March 31, 2025 announcement, Provost Angela Olinto had indicated that Columbia would be conducting a review of the award terminations to inform next steps. She further stated that Columbia “committed to fund those individuals whose salaries and stipends were previously funded with federal support on now-terminated awards, using institutional funds, while we undertake the review.” However, the email provided no information about how long the review process would take or whether individuals could expect any additional salary coverage *after* the review was complete.

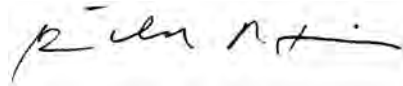
8. On May 6, 2025, the Office of the President sent a university-wide email providing at least some additional information on this question. The email stated that, as a result of the termination of federal funds, nearly 180 individuals “who have been working, in whole or in part, on impacted federal grants, will receive notices of non-renewal or termination” on that

day. The email further stated that this number “represents about 20% of the individuals who are funded in some manner by the terminated grants.”

9. The May 6 announcement makes clear that Columbia is not committing to fully covering the salaries and stipends of all individuals affected by the grant terminations. However, the announcement does not make clear whether Columbia intends to provide any coverage to the remaining 80% of individuals who remain in their positions for now (and if so, for how long).

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

Executed on this __7th__ day of May 2025.



Reinhold Martin

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Joshua Jacobs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF JOSHUA JACOBS

I, Joshua Jacobs, hereby declare as follows:

1. I am an Associate Professor in the Department of Biomedical Engineering at Columbia University. I have been a member of the Columbia faculty since 2015.
2. I have B.S. and M.Eng. degrees in computer science from the Massachusetts Institute of Technology, as well as a Ph.D. in neuroscience from the University of Pennsylvania.
3. I am a member of the American Association of University Professors (AAUP).
4. I have personal knowledge of the facts set forth in this declaration and, if called as a witness in this action, I could and would testify competently to these facts.
5. My research focuses on understanding the neural basis of memory and spatial navigation. This work is important not only to explain how humans navigate, but also to elucidate how the brain supports various types of memory and to develop treatments for disorders such as Alzheimer's Disease.

6. Most of my research is based on direct human brain recordings, which allow us to identify neural patterns that reveal how the brain represents memories. Direct human brain recordings, however, are hard to obtain; they can only be captured after a neurosurgeon surgically implants electrodes in a subject's brain.

7. One of my major current projects seeks to develop and test new ways to measure the relationship between the human brain and behavior. This project is funded by an R61/R33 grant from the National Institute of Mental Health, a component of the National Institutes of Health (NIH). The initial Notice of Award was issued December 28, 2023, after a competitive application process. I am one of the principal investigators on the grant.

8. The project funded by this grant has two phases. In the R61 phase, it seeks to develop a state-of-the-art platform called CAMERA (Context-Aware Multimodal Ecological Research and Assessment). This platform will be capable of recording and combining signals from a range of data sources (such as human neural recordings, audiovisual recordings and wearable sensors) in order to predict a person's level of anxiety and memory state. This will provide novel biomarkers of anxiety and memory state, which can guide therapeutic brain stimulation. Our project will also provide a generalized platform for researchers studying the physiology of many types of complex human states and behaviors. The R61 phase of the project is intended to last three years.

9. If the R61 phase is successful—*i.e.*, if we can demonstrate that CAMERA can successfully combine these signals to predict a subject's emotional or memory state—then we will receive funding to proceed to the R33 phase of the project.

10. In the R33 phase, we will test whether we can use CAMERA to more accurately identify and modulate anxiety and memory performance in individual subjects. In other words, we will be able to use the platform we have developed to predict whether individuals are experiencing memory dysfunction or anxiety episodes, and if so, we will be able to apply brain stimulation to help treat those individuals. The R33 phase of the grant is intended to last two years.

11. If we do not succeed in the R61 phase, we will not receive funding to proceed to the R33 phase.

12. The grant awards Columbia approximately \$700,000 in direct costs per year (approximately \$1 million total per year).

13. This is an interdisciplinary research project involving a collaboration between biomedical engineers, a neurosurgeon, machine learning engineers, a neurologist, psychiatrists, and a neuroethicist. In total, the grant provides either full or partial salary support for approximately 15 individuals working on the project. Several of those individuals work at subaward institutions: the University of Minnesota, which is focused on the brain stimulation piece of the research project, and Rutgers University, which is focused on the machine learning aspect.

14. For multi-year grants like this one, NIH issues a separate Notice of Award for each year of the grant. Near the end of each grant year, researchers are typically required to submit a Research Performance Progress Report (RPPR) updating the agency on the project. NIH then issues a Notice of Award for the following year, accompanied by a new cycle of funding.

15. The Year 1 Notice of Award we received from NIH provided funding for the period from January 1, 2024 until December 31, 2024. We submitted our RPPR for this project in December 2024. Typically, based on my and my colleagues' experience with other NIH grants, I would have expected to receive the Year 2 Notice of Award in December 2024 or January 2025. However, I still have not received the Year 2 Notice of Award.

16. Until recently, based on communications from the NIH, it appeared that the delay in issuing the Notice of Award was caused by routine administrative issues. Between January 2025 and April 2025, NIH requested multiple updates to the RPPR and additional administrative documentation. I submitted several rounds of updated paperwork at NIH's request, most recently on April 15, 2025. On April 17, 2025, the NIH Grants Management Specialist sent an email acknowledging receipt of all requested documentation.

17. I have not heard any additional information from NIH since April 23, 2025. I have repeatedly reached out to my program officer at NIH to discuss the status of the grant and have requested multiple phone calls, but I have not gotten any response.

18. I have not received a termination notice or a stop-work order on this project from NIH.

19. I have never received any indication from NIH that the agency had concerns about our progress or the overall performance of the project. On the contrary, we received positive feedback on this project from a presentation at the 2024 annual BRAIN Initiative Meeting in June 2024. An NIH program official subsequently requested figures from our presentation to include in a progress update for NIH Institute/Center (IC) directors regarding the Brain Behavior Quantification and Synchronization (BBQS) program, which our project is part of. Program officials also conveyed enthusiasm among NIH officials for BBQS projects at a BBQS Consortium Principal Investigators Meetings on March 17, 2025. Further, I have been invited to an annual meeting with NIH staff on July 15, 2025 to discuss our research.

20. Our research project does not relate to diversity, equity, and inclusion (DEI) or other topics that NIH now appears to consider controversial.

21. Around April 18, 2025, I learned from social media posts by Max Kozlov, a science journalist at *Nature*, that NIH had been instructed to stop issuing awards to Columbia. Kozlov posted an April 17, 2025 email from Michelle G. Bulls, the Director of the NIH Office of Policy for Extramural Research Administration, who stated: “We have received confirmation from HHS/IOS to hold off on making awards to schools where the funds have been frozen, i.e., Columbia, Brown, Northwestern, Cornell, Weill-Cornell, Harvard. Also, HHS/IOS has stated that we should not provide any communications to these schools about whether or why the funds are frozen.”¹

¹ <https://bsky.app/profile/maxkozlov.bsky.social/post/3ln4h6i5tes2f>

22. These posts followed an April 9, 2025 article in *Science* that first reported on NIH's funding freeze. The article characterized an April 8, 2025 email from Bulls as stating that "no NIH awards can be made to Columbia until the restriction is lifted."²

23. I believe that NIH has not issued the Year 2 Notice of Award for my R61/R33 grant because of the funding freeze described in the April 8, 2025 email and confirmed in the April 17, 2025 email. I further believe that NIH has stopped communicating with me about the status of the award because of the directive relayed in the April 17, 2025 email.

24. In response to an email I sent on April 23, 2025 to the overseeing NIH Program Officer and Grants Management Specialist inquiring about the status of the grant, she did not identify any outstanding concerns and only stated that "We are awaiting guidance."

25. I am not aware of any NIH grants issued to Columbia after April 17, 2025.

26. The delay in receiving this year's Notice of Award could have catastrophic long-term consequences for this research project. As a clinical trial, a disruption in funding would lead to disruption in enrollment and follow up of human subjects. A disruption in the project would also risk nullifying the data from the first 19 subjects enrolled in the project, which would be a waste of the time and investment on the part of human subjects, researchers, and federal research funding. As explained, our ability to advance our project to the R33 phase—the phase that would allow us to apply the CAMERA system for the benefit of human patients—depends on our ability to successfully develop the system in the R61 phase. We only have three years to complete the R61 phase. A gap in funding would set back our progress significantly and could jeopardize our ability to move to the next phase because we would be likely to lose staff who are knowledgeable about the project.

27. Before April, I received permission from Columbia to continue spending on the project even though this year's Notice of Award was delayed. That authorization was based on

² https://www.science.org/content/article/nih-freezes-all-research-grants-columbia-university?utm_campaign=Science&utm_source=Bluesky&utm_medium=ownedSocial

the assumption that the Notice of Award would be issued shortly and the new cycle of funding could be applied retroactively to cover any spending incurred in 2025.

28. Since reports of the NIH funding freeze emerged, however, I have been told by Columbia that “caution should be exercised in spending.” Our external partners at the subaward institutions have not received any payment for their work since January, and Rutgers has indicated their graduate students may not be able to continue working on the project. That would further compromise our ability to reach the R33 phase, given the expertise those individuals have developed this year.

29. I have repeatedly raised concerns to administrators at Columbia about the delay in issuing the Notice of Award. On April 23, 2025, an individual in Columbia’s Sponsored Projects Administration (SPA, the office that manages the university’s grants) confirmed in an email that they “have seen a definite sharp decline in receipt of new and non-competing continuation NIH [notices of award] in SPA.”

30. On April 25, 2025, I was forwarded an email sent by Columbia’s Dean of Science that described situations like mine and asked faculty for help compiling additional information. The message states: “I’m writing about an emerging issue with NIH grants that I’ll need timely help with from those of you with NIH grants in your departments. This regards non-cancelled, still-active NIH grants. PIs have been submitting their annual non-competing renewal progress reports, and NIH Program Officers have been reviewing and approving them. However, NIH has not been extending the end dates or issuing notices of awards (NOAs) for these grants, and there is no indication that end dates will be extended or NOAs issued on any reasonable timescale. Thus, these grants are effectively cancelled.”

31. I am greatly concerned that NIH has effectively terminated our research project without notice and does not plan to issue additional funding. The cancellation of this project would be a profoundly disappointing loss to the field, given the innovative technology we are working to develop, its potential to improve fundamental understanding of brain-behavior relationships, develop novel diagnostic and therapeutic interventions for anxiety and memory

disorders, and other potential applications as an accessible platform for studying complex human internal states, behavior, and cognition in real-world environments.

32. I understand the government claims to have terminated other research grants to Columbia because of antisemitism on campus. Terminating my project on that basis would make no sense. I am Jewish, as are two of my co-principal investigators. Ending this project will directly harm all of us, as well as the patients who could benefit from the research, and will do nothing to prevent antisemitism or protect Jewish students on campus.

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

Executed on this 8th day of May 2025.


Joshua Jacobs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Jamie Daw

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF JAMIE DAW

I, Jamie Daw, hereby declare as follows:

1. I am an Assistant Professor of Health Policy and Management at Columbia University's Mailman School of Public Health.
2. I have a B.H.Sc. from McMaster University, an M.Sc. from the University of British Columbia, and a Ph.D. from Harvard University.
3. I am a member of the American Association of University Professors (AAUP).
4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.
5. I am a quantitative health services and policy researcher. I study the intersection of health policy and maternal health, focusing specifically on how policies affect the barriers faced by reproductive-aged and pregnant women in accessing health services. One of the ultimate goals of my work is to inform policy changes that will reduce maternal and infant mortality in the United States.

6. A significant portion of my research portfolio is funded by the National Institutes of Health (NIH). In recent years, NIH's priorities have included funding projects that focus on improving maternal and infant health.

7. In 2023, NIH called for proposals to study integrated models of care that could improve pregnancy outcomes and reduce racial and ethnic disparities in maternal mortality and morbidity and other adverse outcomes. Along with my co-investigators, I submitted a proposal to study the recent implementation of Medicaid-supported doula programs in New York. After a competitive review process, we received a Notice of Award in June 2023. Columbia is the prime awardee, and I am one of the principal investigators on the project.

8. The project aims to study whether doula care during pregnancy, delivery, and postpartum improves recommended maternal health care use and health outcomes. We are conducting this research by evaluating the experience in New York, where the state's Medicaid program recently began reimbursing for doula care. We intended the project to have two main components: (1) an empirical evaluation of the policy's impact on health care use and health outcomes, and (2) a qualitative evaluation of the policy's implementation, including implementation challenges. This work would inform policymaking in New York and the many other states that are considering similar Medicaid policy changes.

9. The project involves a collaboration with several partner institutions and organizations, including Tulane University, New York University, the New York Department of Health and Mental Hygiene, and community-based doula organizations. These kinds of partnerships take considerable time and effort to develop, but they are critical to ensuring that our research evaluates these programs accurately and meets the highest standards of rigor. This project, for example, requires the ability to speak directly with doula providers to understand what is happening on the ground. It also requires the ability to empirically analyze Medicaid data that only the state can provide.

10. Across Columbia and our partner institutions, approximately 19 people were working on the project. Thirteen of those people received at least some salary support from the grant.

11. The project is intended to last five years, and we had just completed the second year working on the project. We just received approval to use the state Medicaid data in April 2025 and were about to begin field interviews with doulas, community-based doula organizations, and hospital staff.

12. On March 10, 2025, I received notice from Columbia that the grant funding this project had been terminated by NIH. I still have not received a revised Notice of Award that reflects the termination, but I understand that both Columbia and NIH consider the grant terminated. Columbia issued a stop-work order directing us to immediately cease work on the project and instructing us to notify all subwardees that the grant had been terminated by NIH.

13. Our partner organizations expressed significant disappointment when we notified them the grant had been terminated. These organizations had contributed considerable time and resources to develop the project, expected to receive financial support from the grant, and are now facing significant uncertainty about the future of the project. This has created particular challenges for the New York Department of Health and Mental Hygiene, which had recently hired a staff member on the expectation that they would be fully funded by the grant for years. That person is very likely to lose their position if the grant is not reinstated soon. Even if the grant were eventually restored, I worry it would be very difficult to reassemble this group of partner organizations and complete the project with the rigor that was originally planned. Further, even if reinstated, the pause of this research will also result in delays in producing timely scientific results that could inform active state policymaking around the decision to reimburse doula care in their Medicaid programs.

14. The consequences of abruptly terminating this grant extend far beyond the project. If Columbia is no longer seen as a trusted partner by community organizations, it will

severely jeopardize our ability as an institution to conduct the community-oriented, collaborative research that is critical in the public health field.

15. These consequences are exacerbated by the fact that some of the same community organizations were also involved in other projects that have been abruptly terminated by the government. For example, the Maternal Health Research Center of Excellence at Columbia had worked to develop relationships with some of the same doula organizations involved in my project, as well as other collaborator institutions. I am a co-investigator on the NIH grant that funded the Center. NIH also terminated that grant, and, to my knowledge, the grant has not been reinstated.

16. NIH funding is particularly important for this type of research and cannot be replaced by private funding. Private sources of funding, such as foundations, generally do not fund research at the scale that NIH does; that scale is particularly important for supporting complex, collaborative team-based research projects which bring together leading experts and key stakeholders to answer important questions relevant to public health. NIH also generally grants longer-term awards, allowing researchers to pursue more ambitious projects than those that can be achieved in a short period of time. NIH funding is also designed to support science at the highest levels of academic rigor; grant applications like mine are peer-reviewed in a rigorous process, ensuring that the agency funds only the best science as determined by the scientific community. Private foundations generally do not have the same peer-review process and typically award grants based on their specific priorities at the time. NIH funding is therefore critical to support research that is driven and evaluated by the scientific community, and thus, which has the highest potential to lead to improvements in the health of Americans.

17. I fear the government's mass termination of grants to Columbia will have significant and irreversible long-term consequences for Columbia and for academic research generally. These actions will damage our ability to recruit students and others who have historically come to Columbia to be part of an innovative research and training environment. I have heard that many of those prospective students and researchers are now worried not only

about the future of scientific, medical, and public health research generally, but also more specifically about the risk that Columbia's research funding will continue to be targeted.

18. More generally, I believe the government's actions pose a serious and unprecedented threat to the pursuit of science for science's sake – the pursuit of “fundamental knowledge” that defines the NIH mission. NIH has historically set broad priorities for scientific research and has not been perceived as political. I am aware of the demands the government made to Columbia in March as “preconditions” for Columbia receiving any future federal funding. The government now appears to be using its financial leverage over us as NIH-funded scientists to compel broader changes in the university that have nothing to do with our research. Many researchers are considering whether there are ways to reframe or reorient their work to avoid termination, even if those changes would not be helpful for scientific advancement. This is a profound and alarming shift in academic research.

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

Executed on this 8th day of May 2025.



Jamie Daw

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Abigail Greenleaf

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF ABIGAIL GREENLEAF

I, Abigail Greenleaf, hereby declare as follows:

1. I am an Assistant Professor of Population and Family Health at Columbia University. My primary affiliation is with ICAP, a global health center at the School of Public Health composed of researchers and health professionals. I have been an Assistant Professor at Columbia since 2021.
2. I have a B.S. from George Washington University, a Master of Public Health (MPH) from Columbia University, and a Ph.D. from Johns Hopkins University.
3. I am a member of the American Association of University Professors (AAUP).
4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.
5. I am a public health demographer. My research focuses on collecting cell phone-based data in low- and middle-income countries where using cell phones to survey populations is an increasingly viable methodology.

6. In 2022, I applied for and in 2023 received a K01 grant from the Eunice Kennedy Shriver National Institute of Child Health and Human Development, a component of the National Institutes of Health (NIH). K01 grants are called “Mentored Research Scientist Career Development Awards.” As NIH explains, their purpose is “to provide support and protected time for an intensive, supervised career development experience in the biomedical, behavioral, or clinical sciences leading to research independence.”¹ The term of a K01 grant is five years.

7. The specific project funded by my K01 grant involves collecting data on contraceptive use and HIV-prevention behaviors among young women in Eswatini, the country with the highest HIV prevalence rate in the world. Since receiving the grant, I have recruited more than 300 participants to the study. I have been collecting biweekly data from these participants for more than a year, calling young women on cell phones and asking questions about their sexual activity and contraceptive use. By contacting participants on their cell phones rather than relying on face-to-face data collection (the predominant approach to data collection in sub-Saharan Africa), I am able to collect long-term, high-volume data that will lead to new insights about young women’s sexual and reproductive health. The ultimate goal of the research is to inform policymaking to address the high rates of undesired pregnancies and HIV incidence in this vulnerable age group.

8. I applied for this K01 grant to support both my short-term and long-term career development goals. In the short term, I am interested in understanding contraceptive dynamics in a country with high HIV prevalence, particularly among young women. That is a priority population for efforts to improve global sexual and reproductive health. In the long term, I aim to make significant scholarly contributions to the field of sexual and reproductive population studies. The project funded by the grant helps me achieve that goal in several ways, as it allows me to develop skills in advanced statistical methods, to gain expertise in HIV prevention and risk, and to be trained in relevant sociology theories.

¹ <https://researchtraining.nih.gov/programs/career-development/K01>

9. On March 10, 2025, I received notice from Columbia that my K01 grant had been terminated. I have not received a formal notice from NIH reflecting the termination, but I understand that it was on the list of NIH-terminated grants provided by the government to Columbia.

10. I am greatly concerned about the impact that terminating this project would have on the research participants and their willingness to enroll in future research studies. I have been speaking with these young women every two weeks for more than a year and asking them highly sensitive questions. Abruptly stopping a study like this erodes participants' trust and contributes to increased skepticism of medical research more broadly. The uncertainty about future grant funding exacerbates my concerns. In my opinion, it raises significant ethical problems to enroll patients in research studies that we cannot commit to completing.

11. The termination of my K01 grant has also caused me considerable personal stress due to concern about job loss. I believe this job stress contributed to a failed egg retrieval cycle shortly after I learned about the termination, and my doctor agreed that was likely the case.

12. As explained, a major purpose of this type of grant is to provide me with protected research time that will help support my long-term career goals. As stipulated in the Notice of Award, 75% of my time is dedicated to the project funded by the K01 grant. More than half of my salary is covered by the grant. Columbia is temporarily covering that portion of my salary during the immediate interim period while it considers next steps, but it is not clear how long that will extend. I still had three years remaining on the grant term. Columbia has not committed to cover my salary for that entire period.

13. It will be very hard to find alternative sources of funding to cover my salary. I am not aware of sources of private funding (as opposed to NIH) that allow for the same kind of dedicated research time for early-stage investigators for the subject matter I study. Although I hope to avoid this outcome, if federal funding is not restored, it is possible I will lose my job and have to leave the field entirely.

14. At minimum, the loss of the grant means I will no longer have the protected research time to develop my skills as a scientist. I also will not have dedicated funding to participate in professional development activities, such as academic conferences, that would help advance my career as an independent investigator. I now am no longer permitted to use my grant funds for conferences. I paid out of pocket to attend the Population Association of America's annual meeting in Washington, D.C. in April 2025. If federal funding is not restored, I will very likely be unable to attend the International Union for the Scientific Study of Population's (IUSSP) International Population Conference, which will be held in Australia in July 2025. That means I will be deprived of important opportunities to build connections and learn from researchers, policymakers and practitioners with expertise in my field.

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

Executed on this 8 day of May 2025.


Abigail Greenleaf

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS and
AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF
JUSTICE, PAMELA BONDI, LEO
TERRELL, UNITED STATES
DEPARTMENT OF EDUCATION, LINDA
MCMAHON,
THOMAS E. WHEELER, UNITED
STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES, ROBERT F.
KENNEDY, JR., SEAN R. KEVENEY,
NATIONAL INSTITUTES OF HEALTH,
MATTHEW J. MEMOLI, UNITED
STATES GENERAL SERVICES
ADMINISTRATION, STEPHEN
EHIKIAN, and JOSH GRUENBAUM,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/20/2025

25-cv-2429 (MKV)

ORDER DENYING REQUESTS TO SEAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiffs the American Association of University Professors (“AAUP”) and the American Federation of Teachers (“AFT”) bring this action seeking an injunction requiring Defendants to pay out to non-party Columbia University approximately \$400 million in previously-allocated taxpayer funded grants [ECF Nos. 1, 25], among other relief. In connection with their motion for a preliminary injunction, Plaintiff have filed several sets of exhibits provisionally under seal [ECF Nos. 34–43; ECF Nos. 45, 45-1; ECF Nos. 107–112]. For the reasons set forth below, the requests to maintain those exhibits under seal [ECF Nos. 33, 44, 58, 61, 106] are DENIED.

1. Columbia's Request To Seal the Dubal Declaration and Exhibit A

Plaintiffs filed *ex parte* and provisionally under seal the Declaration of Veena Dubal, who serves as General Counsel for AAUP, and an exhibit entitled Exhibit A [ECF Nos. 45 (“Dubal Decl.”), 45-1 (“Exhibit A”)]. Exhibit A is an email and attached form which Columbia's Office of the General Counsel sent, unsolicited, to members of the Columbia faculty and staff concerning the termination of federal grants. *See* Dubal Decl. ¶ 6; Exhibit A. Both the email and attached form state that the documents are confidential, subject to attorney-client privilege, and should not be shared with anyone outside of Columbia's Office of the General Counsel. *See* Exhibit A at 1–3. However, according to Dubal, “multiple” recipients of the email and attachment were members of AAUP who forwarded the documents to Dubal. Dubal Decl. ¶ 4.

Although Plaintiffs filed the Dubal Declaration and Exhibit A *ex parte* and provisionally under seal, Plaintiffs simultaneously filed a letter requesting leave to unseal those documents and file them on the public docket [ECF No. 44]. Plaintiffs argue that Exhibit A is not a privileged attorney-client communication, since the recipients of the email and attachment who forwarded the documents to Dubal “had not sought legal counsel from the Columbia Office of the General Counsel” and “did not understand themselves to have any sort of attorney-client relationship with that office.” Dubal Decl. ¶ 6; *see id.* ¶ 4.

Counsel for The Trustees of Columbia University in the City of New York (“Columbia”) appeared in this action for the limited purpose of urging the Court to maintain Exhibit A, and all submissions concerning Exhibit A, under seal [ECF Nos. 58, 59]. Columbia argues that Exhibit A is protected by the attorney-client privilege and should be sealed or redacted even if the privilege does not apply. Plaintiffs thereafter filed letters in further support of their request to unseal the Dubal Declaration and Exhibit A [ECF Nos. 61, 62, 63].

As the Second Circuit has long affirmed, the strong presumption of public access to judicial documents is fundamental to our system of justice. *See Mirlis v. Greer*, 952 F.3d 51, 58 (2d Cir. 2020); *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006); *United States v. Amodeo*, 71 F.3d 1044, 1048 (2d Cir. 1995) (“*Amodeo II*”); *United States v. Amodeo*, 44 F.3d 141, 145 (2d Cir. 1995) (“*Amodeo I*”). Pertinent here, attorney-client privilege “suffices to defeat the presumption of access.” *Lugosch*, 435 F.3d at 125. “The party asserting the privilege . . . bears the burden of establishing its essential elements.” *United States v. Mejia*, 655 F.3d 126, 132 (2d Cir. 2011). Columbia cannot meet that burden with respect to the widely-shared email and attachment in Exhibit A.

“The attorney-client privilege protects communications (1) between a client and his or her attorney (2) that are intended to be, and in fact were, kept confidential (3) for the purpose of obtaining or providing legal advice.” *Mejia*, 655 F.3d at 132. As Columbia concedes, there is no attorney-client relationship between Columbia’s Office of the General Counsel and the faculty and staff to whom that office sent Exhibit A [ECF No. 59 at 1]. Moreover, Exhibit A clearly was not kept confidential, since multiple recipients sent it to Dubal. *See Dubal Decl.* ¶ 4.

Citing *Upjohn Co. v. United States*, 449 U.S. 383, 394–97 (1981), Columbia argues that it may nevertheless assert privilege on the ground that Columbia’s Office of the General Counsel was communicating with faculty in their capacity as “lower-level employees” of its client, Columbia, in order to collect information necessary to provide legal advice to Columbia [ECF No. 59 at 1]. However, *Upjohn* holds that an employee in such a circumstance must be “sufficiently” warned that the purpose of the communication is to provide legal advice to the corporate client, rather than to protect or advise the employee. *Upjohn*, 449 U.S. 394. Exhibit A does not contain such sufficient warning.

Rather, Exhibit A is largely framed as an offer to assist the faculty and staff to whom it was sent. The subject line of the email is “Time-Sensitive: Potential Appeal of Termination of *Your* Award(s).” Exhibit A at 1 (emphasis added). Similarly, the opening paragraph of the email states: “Many of you have asked how you can help with a potential appeal of the termination of your award(s).” *Id.* Exhibit A also suggests that Columbia’s Office of the General Counsel is deferring to the faculty on whether they “wish to pursue an appeal.” *Id.* As Columbia points out, the email does mention that Columbia is assessing “strategies . . . to restore the University’s federal research portfolio” and may need “help” from the faculty to prepare timely appeals. *Id.* However, there is no clear *Upjohn* warning that the purpose of the communication is advise Columbia, in contrast with the faculty. As such, Columbia has not carried its burden to establish the privilege it seeks to assert. *See Mejia*, 655 F.3d at 132.

Columbia argues that, even if the privilege does not apply, the Dubal Declaration and Exhibit A should be sealed on the ground that they are not judicial documents [ECF No. 58 at 2]. Columbia is incorrect. The Dubal Declaration and Exhibit A are “relevant to the performance of the judicial function” in this lawsuit, in which there is significant public interest. *Mirlis*, 952 F.3d at 59 (quoting *Amodeo I*, 44 F.3d at 145). As such, the documents are subject to “a potent and fundamental presumptive right of public access” that “is not easily overcome.” *Id.* at 58, 67. Columbia has not identified countervailing interests to overcome the right of public access.

2. Plaintiffs’ Request To Seal Various Declarations

While vigorously opposing the sealing of the Dubal Declaration and Exhibit A, Plaintiffs seek to leave file entirely under seal fourteen declarations and redact another declaration in support of their motion for a preliminary injunction [ECF Nos. 33, 106]. The declarants are “professors and students” who, Plaintiffs contend, “fear they will be subjected to retaliation and harassment if

their participation in this case is made public” [ECF No. 33 at 1; *accord* ECF No. 106 at 1]. Plaintiffs broadly assert that “[i]ndividuals perceived to be critical of the Trump administration” are “often” harassed, citing three news articles that have nothing to do with this case [ECF No. 33 at 3 & n.3–4; *accord* ECF No. 106 at 2 & n.3–4].

As explained above, and as Plaintiffs recognize when seeking to unseal documents, the public has a presumptive right to inspect documents that form the basis of judicial decisions. *See Mirlis*, 952 F.3d at 58; *Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 142 (2d Cir. 2016). As such, the Second Circuit has instructed district courts to “skeptically review sealing requests” to determine whether “there really is an extraordinary circumstance or compelling need” for sealing. *In re Orion Pictures Corp.*, 21 F.3d 24, 27 (2d Cir. 1994). To be sure, countervailing interests such as the privacy of innocent third parties may overcome the presumption of public access. *See Mirlis*, 952 F.3d at 61; *Amodeo II*, 71 F.3d at 1050. However, mere speculation that members of the public may behave badly is not sufficient, irrespective of the imputed political leanings of the speculative antagonists. The declarants in question are under no obligation to “participat[e] in this case” if they do not wish to provide information on the public record. Indeed, much of the information Plaintiffs seek to submit under seal appears cumulative. *See United States v. Donato*, 714 F. App’x 75, 76 (2d Cir. 2018); Fed. R. Evid. 403.

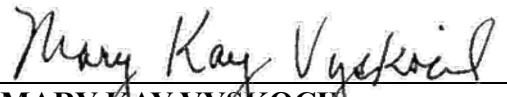
Accordingly, for the reasons set forth above, IT IS HEREBY ORDERED that the Dubal Declaration, Exhibit A, and the letters concerning the sealing of those documents shall be filed on the public docket by the close of business on May 23, 2025.

IT IS FURTHER ORDERED that, by the close of business on May 23, 2025, Plaintiffs shall either withdraw the declarations at ECF Nos. 34–43 and 107–112, or file those declarations on the public docket.

The Clerk of Court respectfully is requested to terminate the motions pending at docket entries 33, 44, 58, 61, and 106.

SO ORDERED.

Date: May 20, 2025
New York, NY


MARY KAY VYSKOCIL
United States District Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*

Defendants.

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

**DECLARATION OF MATTHEW
MURRAY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Matthew Murray, hereby declare as follows:

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

2. This declaration is submitted in support of Plaintiffs' Motion for a Preliminary Injunction.

3. Attached hereto as **Exhibit A** is a true and correct copy of the following U.S. Department of Health and Human Services press release posted yesterday, May 22, 2025: *HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law* (May 22, 2025), downloaded from <https://www.hhs.gov/press-room/ocr-columbia-violates-federal-civil-rights-law.html>.

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

Dated: May 23, 2025

Signed: /s/Matthew Murray

Matthew Murray

Counsel for Plaintiffs

Exhibit A

 An official website of the United States government



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[Press Room](/press-room/index.html) </press-room/index.html>

HHS' Civil Rights Office Finds Col...

Navigate to:



FOR IMMEDIATE RELEASE

May 22, 2025

Contact: HHS Press Office

202-690-6343

[Submit a Request for
Comment](#)

HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law

*Extensive Investigative Findings Conclude that Columbia University Violated Title VI by
Showing Deliberate Indifference to the Hostile Environment Faced by its Jewish
Students*

Today, the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) announced that Columbia University violated Title VI of the Civil Rights Act of 1964 (Title VI) by acting with deliberate indifference towards student-on-student harassment of Jewish students from October 7, 2023, through the present.

OCR enforces Title VI, which prohibits a recipient of Federal financial assistance from discriminating in its programs and activities on the basis of race, color, or national origin, which includes discrimination against individuals that is based on their actual or perceived Israeli or Jewish identity or ancestry. OCR's Notice of Violation articulates extensive factual findings that span a period of over 19 months in which the University continually failed to protect Jewish students. The findings are based on information and documents obtained during the investigation, including witness interviews; examination of written policies and procedures; reliable media reports that contemporaneously capture antisemitic incidents and events at Columbia University; and reports from Columbia University's own Task Force on Antisemitism.

"The findings carefully document the hostile environment Jewish students at Columbia University have had to endure for over 19 months, disrupting their education, safety, and well-being," said Anthony Archeval, Acting Director of the Office for Civil Rights at HHS. "We encourage Columbia University to work with us to come to an agreement that reflects meaningful changes that will truly protect Jewish students."

The Notice of Violation comprehensively explains the ways in which Columbia University acted with deliberate indifference with regard to the hostile environment created by some of its students. For example, the University failed:

- To establish effective reporting and remediation mechanisms for antisemitism until the summer of 2024,
- To properly abide by its own policies and procedures when responding to Jewish students' complaints,
- To abide by its only policies and procedures governing student misconduct against Jewish students,
- To investigate or punish vandalism in its classrooms, which include the repeated drawing of swastikas and other universally recognized hate images, and

- To enforce its time, place, and manner restrictions for protests held on campus, such as inside and around its academic buildings, residence halls, and libraries since October 7, 2023.

OCR's Notice of Violation to Columbia is jointly issued and signed by the U.S. Department of Education's Office for Civil Rights. This action demonstrates the Administration's commitment to address "anti-Semitism vigorously, using all available and appropriate legal tools[] . . . [to address] unlawful anti-Semitic harassment and violence," as expressed in President Trump's Executive Orders, *Combatting Anti-Semitism* <<https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism>> (Dec. 11, 2019) and *Additional Measures to Combat Anti-Semitism* <<https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/>> (Jan. 29, 2025).

Today's announcement is part of a broader effort by the Administration's multi-agency Joint Task Force to Combat Anti-Semitism <<https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>>.

If you believe that you or someone else has been discriminated against because of race, color, national origin, disability, age, sex, or religion in programs or activities that HHS directly operates or to which HHS provides Federal financial assistance, you may file a complaint with the HHS Office for Civil Rights at: <https://www.hhs.gov/civil-rights/filing-a-complaint/index.html> </civil-rights/filing-a-complaint/index.html>

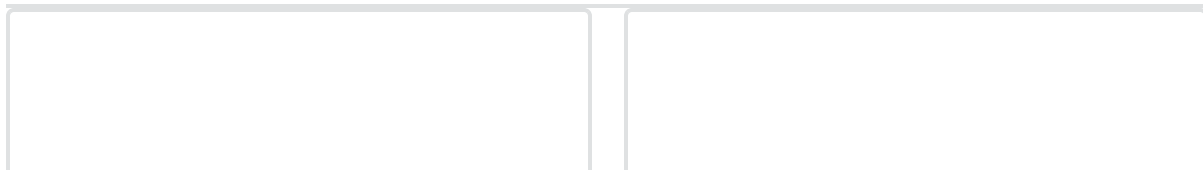
Follow HHS OCR on X (formerly Twitter) at @HHSOCR <<https://x.com/hhsocr>>.

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Note: All HHS press releases, fact sheets and other news materials are available in our Press Room </press-room/index.html>.

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Last revised: May 22, 2025



Submit a request for comment

For media inquiries, please submit a request for comment.

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MAY 6, 2025 | PRESS RELEASE

Task Force to Combat Anti-Semitism Statement Regarding Yale's Actions </press-

room/anti-semitism-task-force-statement-on-yale.html>

APRIL 24, 2025 | PRESS RELEASE

HHS Office for Civil Rights Works with Alabama to Help Young Adult with Autism Move from a State Institution to a Home in the Community </press-room/ocr-olmstead-

resolution-alabama-department-mental-health.html>

APRIL 4, 2025 | PRESS RELEASE

Content created by Office for Civil Rights (OCR)

Content last reviewed May 22, 2025

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

**Declaration of Ezra Susser
(Witness B)**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF EZRA SUSSER

I, Ezra Susser, declare as follows:

1. I am a Professor of Epidemiology and Psychiatry at the Mailman School of Public Health.
2. I have been at Columbia for about 35 years, and I used to be the chair of the epidemiology department.
3. I received my Bachelor of Arts (BA) from Columbia University in 1974, my Master of Public Health (MPH) from Columbia University in 1982, and my Doctor of Public Health (DrPH) from Columbia University in 1992.

4. My research focuses on mental health disorders, like schizophrenia. My research has examined the role of early life experience in health and disease throughout the life course and has sought to uncover the developmental origins of psychiatric and neurodevelopmental disorders such as schizophrenia, autism and ADHD, as well as other complex diseases.

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

6. I am a member of AAUP and AFT.

7. My position depends significantly on grant funding, and the vast majority of grants that I receive are federal grants.

8. I have had several grants terminated. I am the lead or co-lead on two of the terminated grants. There is at least one more terminated grant on which I was a researcher but was not the lead or co-lead.

9. The grant on which I am listed as the principal investigator (PI) at Columbia is an NIH grant that funded a large project to study the genomics of schizophrenia.

10. The National Institutes of Health (NIH) sent to Columbia, who then forwarded to me, a notification from NIH that the grant was terminated. The notice stated, "This project has been terminated due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students."

11. This project, which was done in partnership with the University of Washington and the University of Cape Town, focused on the Xhosa population of South Africa. We worked with that community because there is more genetic variety in Africa than on any other continent, and thus the results of this genomic study would have critical implications for an understanding of schizophrenia around the world, including in the US.

12. This project has been funded by NIH for more than 10 years, and the team would have finished the genomic sequencing required for the analysis of the data in just about one more year. We could have finished at least a basic genomic analysis in just about one year; and could have completed it all within two years under a no cost extension which we expected to be granted by the agency, because that would not have required new funds from the agency but rather saving funds to spend in the following year.

13. The project is now stopped. This cuts off federal funding to complete the analysis of the data, including the completion of the genomic sequencing. Without this funding, we won't be able to draw any more conclusions about schizophrenia. We won't be able to share our findings with the scientific community and with the world. Years and years of hard work are basically lost.

14. The cessation of this research represents a huge loss to my research and to the understanding of schizophrenia. No other research group is poised to step into this critical research. Whether or not it will ever be completed is now uncertain because of this funding termination. It won't be completed unless we find alternative funding from somewhere, and at this juncture, it doesn't seem likely that we will find that funding.

15. I coordinated the project and my team played the central data management role. Funds are not available at other sites for others to assume this role.

16. The termination in grant funding and resulting halt of the work also breaks the relationship of trust between me and my collaborators outside of Columbia University, and that harm would persist even if this project were to restart. It is also detrimental to this my reputation and overall work.

17. The grant supported a subcontract to a researcher at the University of Pennsylvania and their team. Because of this grant termination, their funding has also stopped.

18. The grant also partially supported my salary and the salaries of five other team members at Columbia University. Over time, the grant has supported about 20-25% of my salary.

19. The total funding amount for the project for 2025 was \$447,238.

20. Without funding, I will likely need to lay off at least one but probably several people from this team. That will be a loss of expertise and knowledge for the project, even if this project could be re-continued in the future.

21. I was also the co-lead on a grant that funded a training program that has been in existence continuously since 1972 and that trained many of the leaders in psychiatric epidemiology in the country.

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

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

24. The loss of such a training grant is a loss of the ability to train the next generation of psychiatric epidemiologists. Training the next generation has been an important part of my career.

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

26. None of the work funded by these two grants was related to the Israel/Palestine conflict. Neither program has faced any investigation or complaint related to antisemitism. If the government had started an investigation into my programs, I am sure they would have found that

there is no antisemitism in my programs. Moreover, a large proportion of the investigators are Jewish. If any investigation had been started on a legal basis, I would have participated, I would have participated in any official investigation for my programs as appropriate under the law.

27. The training program has trained many students from Israel, including some of the leaders in the field in Israel. The training program has had relationships with Israeli institutions. We also have relationships with researchers from other countries, and do not have a specific policy favoring collaboration with any one country over others. The Israeli collaborations evolved naturally from our faculty connections, as did other collaborations.

28. I am Jewish. Many of the students in the training program have been Jewish.

29. Overall, the funding withdrawals by the federal government create enormous uncertainty about the future of my research. Since scientific research typically involves long-term multi-year commitments, the funding withdrawal irrevocably complicates the planning necessary to undertake this work.

30. I find it very distressing. It has been such a shock. It hurts to lose the work I've done. It hurts to watch my colleagues, who have also lost grants, in such distress and uncertainty.

31. Being forced to stop this work also hurts the legacy of my parents, who were among the legendary founders of the field of epidemiology after World War II. They devoted much of the first half of their lives opposing apartheid in South Africa and much of the second half of their lives building up the field of epidemiology in South Africa. I too devoted much of my career to epidemiology, mainly but not only psychiatric epidemiology, in the United States, in South Africa and in other regions of the world. Now the grant terminations are jeopardizing the future of psychiatric epidemiology.

32. The harm to the field of epidemiology will also harm our community health in general. It creates a risk of infectious diseases returning and spreading.

33. I understand that Title VI and its implementing regulations require the government to provide notice and opportunity for a hearing, followed by a finding on the record, before terminating federal funding to any program or part thereof based on a violation of Title VI. I was not provided any such notice, and I am not aware of any such notice having been provided or any such hearing occurring prior to the termination of \$400 million in federal funding to Columbia.

34. I also feel chilled in my speech. Personally, even though I want to try not to restrict what I say, I still feel like I need to be more careful in what I say in teaching and around the university. I wouldn't just go out and say things without worry like in the past.

35. For example, I teach a class that is about the history of epidemiology. It includes a lot of social history and topics like race, sex, and social injustices. It is designed to help students think about the present and identify their own biases through the lens of a history that they were previously not aware of. I feel like I need to be more careful as I teach about these subjects now.

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

Dated: 3 | 30 | 25

Signed: 

Ezra Susser

Professor of Epidemiology and Psychiatry

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Joseph Slaughter (Witness C)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

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

v.

UNITED STATES DEPARTMENT OF JUSTICE. et al.,

Defendants.

Declaration of Joseph R. Slaughter

I, Joseph R. Slaughter, declare as follows:

1. I am an Associate Professor of English and Comparative Literature at Columbia. I am also the Director of the Institute for the Study of Human Rights ("ISHR") at Columbia. I have been a member of the Columbia faculty since 2000.
2. I have a PhD in English, specializing in Ethnic and Third World Literatures, from the University of Texas at Austin. My research and teaching explore ways in which literature intersects with social justice, human rights, and international law.
3. The ISHR offers students an interdisciplinary human rights education, fosters innovative academic research, and offers its expertise in capacity building to human rights leaders, organizations, and universities around the world. Students and faculty at ISHR regularly engage in difficult research and discussion involving fraught political topics including using history in

genocide prevention, indigenous peoples' rights, and a broad range of international human rights abuses.

4. Faculty regularly teach courses related to armed conflict, minority rights, and international law, including in areas such as Israel and Palestine. For example, recent course offerings include "War, Gender and Migration," "Refugees, Forced Migration, and Displacement," "The Law of Genocide," "Humanitarian Law and Human Rights in Global Challenges," "Gender-Based Violence and Human Rights," and "Religion and Human Rights."

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

6. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge. I am aware that the current administration has taken a series of actions targeting Columbia. In particular, I am aware that on February 3rd, 2025, the U.S. Department of Education announced an investigation into Columbia. I am aware that on February 28, the federal Task Force to Combat Anti-Semitism announced that it would visit the Columbia campus. I am aware that on March 3, 2025, several federal agencies announced that they would review funding to Columbia. I am aware that on March 7, 2025, several federal agencies announced \$400 million in grant cancellations to Columbia, and stated that that "[t]hese cancellations represent the first round of action and additional cancellations are expected to follow." Most recently, I am aware that on March 13, 2025, officials from the General Services Administration (GSA), the Department of Health and Human Services (HHS), and the Department of Education (ED) sent a letter to Columbia that was made public, and demanded that Columbia immediately take a long list of actions as a precondition of further negotiations regarding federal

funding. I am aware that Columbia announced the adoption of numerous of these policy demands on March 21, 2025.

7. It is my perception and belief that the March 7 funding cancellation and March 13 policy demands have already had a substantial impact in terms of chilling speech on campus and that the challenged actions are already stifling classroom discussion and participation, event programming and external speaker visits, as well as research work by students and faculty.

8. Students have grown scared to speak in class, even on topics that are only tangentially related to current controversial issues. Open discussion in seminars has already been chilled, and students have said they are concerned about being surreptitiously recorded by others or even speaking first when a question is posed to the class. One student from Eastern Europe compared the current chill in Columbia classrooms to their experience studying in Russia. Students have told me that other professors do not talk about contemporary events occurring on campus or in the U.S. and have asked students not to talk about them in class. Attendance is down in many classes, and some students have confided that they are scared to come to campus and to class for fear of surveillance or worse. Many students have told me that they are self-censoring in their courses, concerned that they might unwittingly say something that could run afoul of the administration. Multiple students have said that they have changed a research topic for a seminar paper or a thesis out of fear.

9. Numerous faculty colleagues have also expressed fears of speaking openly in their classrooms, for fear of running afoul of the administration or of the University trying to placate the administration. Faculty now routinely express fear of being surreptitiously recorded and/or reported by students for saying something that might be misrepresented as offensive in the current climate. A number of faculty, students, and scholars on campus have already been recorded

secretly by students or university staff. Those recordings have been shared with members of Congress and the administration, recirculated in doxing posts on social media, fed to unscrupulous news outlets, and used to file spurious claims of harassment to university administrators. Emails and course postings from classes have similarly been used, and faculty have made decisions to restrict communications with students or to protect student privacy and welfare by disabling online group conversations through course websites. For example, I have restricted access to course materials that in the past I always opened to the entire university community, and I have deleted old course materials in an effort to protect students from unwarranted interference or scrutiny in their education. Departments and Institutes have cancelled events that might be perceived in the current climate as controversial, and faculty and outside scholars have cancelled or substantially altered topics for scholarly talks out of fear. Events that once would have been open to the public are now often limited to invitation-only or strict preregistration.

10. I am deeply concerned that in the future my colleagues, students, or I will be targeted for research work disfavored by the administration or for statements made in the course of regular teaching or routine academic discussions.

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

Date: 31 March 2025

Signed: 
Joseph R. Slaughter
Associate Professor of English
& Comparative Literature

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Joel Swanson (Witness D)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE et al.,

Defendants.

Case No. 1:25-cv-02429

**DECLARATION OF
JOEL SWANSON IN
SUPPORT OF
PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION**

I, Joel Swanson, declare as follows:

1. I am Assistant Professor of Jewish Studies in the Religion Department of Sarah Lawrence College, a private liberal arts college in Yonkers, New York. I joined the faculty of Sarah Lawrence in September 2024. Previously I was a lecturer at The University of Illinois, Chicago, where I taught Jewish history and continental philosophy or religions.

2. I earned both a doctoral and masters degree from The University of Chicago, and a bachelors degree from Swarthmore College.

3. I am a member of American Association of University Professors and American Federation of Teachers.

4. My scholarship focuses on modern Jewish intellectual history, drawing on both philosophical and literary sources. I am particularly interested in questions of trauma and Jewish collective memory; racialization, gender identity, and the Jewish body; tensions between religious, ethnic, and national understandings of Jewish identity; and how the history of the

Jewish people complicates and challenges the structures of philosophical universalism and the modern nation-state.

5. As an active member of the Association for Jewish Studies, I have published articles on topics as diverse as Jewish contributions to French deconstruction and psychoanalytic debates; competing Zionist and diasporist politics of memory; German Jewish philosophy; and Yiddish poetry. In addition to my scholarship, I am a widely-published commentator on Jewish political issues in publications such as *Haaretz*, *The Times of Israel*, *The Jerusalem Post*, the *Jewish Telegraphic Agency*, and *The Forward*. I also have served as a researcher for the Leo Baeck Institute in Jerusalem and helped develop resources for a national curriculum on antisemitism education for the Anti-Defamation League.

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

My Scholarship and Teaching at Sarah Lawrence & Current Events

7. I am the sole Jewish Studies faculty at Sarah Lawrence. This academic year, I am teaching a lecture on Jewish history from ancient to medieval to modern times, as well as a seminar entitled, *The Holocaust in Cultural Memory*. These courses cover topics such as what it means to be a modern Jew and how debates about Holocaust remembrance play a role politically in the United States and Europe.

8. My courses attract students who are interested in studying the Jewish people, the modern state of Israel, and the shaping of contemporary Jewish identity. This field of study is necessarily connected to contemporary understandings of antisemitism as well as to contemporary debates about Israel and Palestine.

9. As a scholar, I have engaged with a broad range of political perspectives on Israel and Palestine and with people who disagree widely on the subject. I believe that, as a scholar, it is important to uphold academic freedom apart from one's substantive views on the Israel/Palestine debate. The point of academic freedom is to support open debate and discourse. As a teacher, I strive to create a classroom environment where all perspectives on the subject of Israel and Palestine are welcome and contribute to academic discourse. I am proud that my student evaluations so far reflect my success in this effort, showing that students with views sympathetic to Israel and students with views critical of Israel both feel valued and heard. While I have my own views on the matter, I do not bring them into the classroom, and my students generally do not identify me as associated with one side of the debate or the other.

10. I am aware that the federal government has taken a series of actions targeting Columbia over the last month. In particular, I am aware that in early March, several federal agencies announced that they would review federal funding to Columbia and then cancelled \$400 million in grants to Columbia on March 7, 2025. It's my understanding that the federal government presented the \$400 million in funding cuts as an initial round of action, with the prospect of additional cancellations at Columbia and at other schools. I am also aware that on March 13, 2025, officials from several federal agencies sent a letter to Columbia that was made public, and demanded that Columbia immediately take a long list of actions as a precondition of further negotiations regarding federal funding. I am aware that Columbia adopted numerous of these policy demands on March 21, 2025.

11. I am also aware that on March 10, 2025, the U.S. Department of Education sent letters to 60 universities and colleges, including Columbia University and Sarah Lawrence

College, warning the schools of potential enforcement actions if they did not fulfill their obligations under Title VI.

12. Given the proximity of Sarah Lawrence College to Columbia University, many of my students spend time on Columbia's campus to connect with students or participate in activities there. Some of my students have joined campus protests at Columbia relating to the war in Gaza. All of my students are generally aware of the actions that the federal government has taken against Columbia over the last month or so.

Chilling Effects on Students

13. Over the last few weeks since the federal government began taking actions against Columbia, I have noticed a dramatic increase in fear and a chilling effect among my students, who have a range of political, ideological, and religious perspectives. Students have told me that they are afraid to express any opinion one way or another on the subject of Israel and Palestine or on the existence of antisemitism on campus because doing so could draw negative press attention and put Sarah Lawrence in the crosshairs like Columbia. There is a sense that our institution could be next, and it is better not to say anything that could be taken the wrong way.

14. Highly concerning to me is that some students are feeling chilled from talking about antisemitism at all, even to express concerns about it. A student said to me recently that they wanted to be able to talk about antisemitism, but they feared that if they did, those statements could put Sarah Lawrence under the eye of the federal government, and that could result in adverse action against the institution and its students. This student told me they thought it was better to just shut up. My pro-Israel students are some of the ones telling me they are most upset about what is happening at Columbia, because it keeps them from talking about real issues of antisemitism for fear that their concerns will be used to hurt the college and their classmates.

In reality, the federal government's crackdown on Columbia is actually silencing speech about antisemitism.

15. In addition, many students are chilled from voicing their opinions on the subject of Israel and Palestine in the classroom. Some students have expressly told me, one on one, that they are holding back from speaking in class. They say it is "too stressful" to have to watch their words so closely – regardless of their viewpoint. They would rather speak up in class when the discussion has moved on to other topics. In the last couple of weeks, my course on modern Jewish history covered the topic of Zionism. Two students told me they skipped those classes and would resume attendance when we moved on to Russian Jewish history because it was less of a minefield.

16. Some students have told me that, based on what their friends at Columbia have experienced, they fear that someone will attend the class who is not enrolled, record the discussion, and make it public in a way that draws negative press and gets everyone in trouble. They are worried that such intrusions could happen in our classroom. In particular over the past week, there has been a real panic among students that the federal government might require the school to disclose information about students, including what they wrote in papers for classes. Some of my students are particularly concerned about putting their foreign classmates at risk.

17. No matter where my students' sympathies lie most heavily in the debate about Israel and Palestine, they say that the people in the federal government who claim to be defending Jewish students against antisemitism are not making their lives better; they are making them harder.

Chilling Effects on My Scholarship and Teaching

18. I myself am experiencing a chilling effect as well. While my own scholarship does not deal directly with Israel and Palestine, it does engage with the topic of Zionism. As a scholar, I feel that I need to watch how I engage with this topic extremely carefully. I always want to present my students with reading materials that demonstrate multiple perspectives. My students have a range of different opinions on that issue. But now, I feel that I could get in trouble and get my institution in trouble if I don't present the material in a way that gets the balance just right from the federal government's perspective. It troubles me to recognize that is affecting how I now present the material and the environment I create for open discourse.

19. For example, when teaching about the topic of Zionism, I have had to change my approach. My approach to teaching is to create an outline of discussion points and then guide an open discussion to evolve in a natural way. On the topic of Zionism, I now feel like I have to write down everything I am going to say and not say anything extemporaneously. I don't feel like I can create an open, flowing discourse on Zionism anymore, like I can with other subjects.

20. In addition, the chilling effect of the Trump administration's crackdown on Columbia University is affecting my choices of what texts I assign my students on my syllabi. When I prepared the syllabus for my course on The Holocaust in Cultural Memory at the beginning of this semester, I considered including post-colonial perspectives on Israel. I held off on including them at the time but remained open to adding them to the syllabus. I often revise my syllabi over the course of the semester as I learn what students are interested in and where the discussions are going. I now fear that I cannot add the post-colonial critique of Israel, even if students are interested in debating it, without getting in trouble and getting my institution in trouble.

21. The chilling effect that I am experiencing in light of what's happening to Columbia over the last few weeks is preventing me from being the independent scholar that I want to be. I now feel that any time I say something on the topic of Israel or Zionism, I do not represent the views of Joel Swanson, the Jewish history scholar. Instead, I represent Sarah Lawrence under the scrutiny of the federal government, and I am responsible for the fate of this institution, my colleagues, and my students. That violates the principle of academic freedom and the commitment to independent thought that I am supposed to bring as a scholar.

22. As a scholar who is committed to academic freedom and who has endeavored to create an inclusive and open environment for my students to learn about Jewish history, including the ways it connects to contemporary debates, I fear that the federal government's actions only serve to destroy academic freedom and independent inquiry, rather than improve conditions for Jewish students on college campuses.

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

Dated: 4/1/2025

Signed: Joel N. Swanson

Joel Swanson

Assistant Professor of Jewish Studies
Sarah Lawrence College

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

**Declaration of Andrew
Geneslaw
(Witness K)**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF ANDREW GENESLAW

I, Andrew Geneslaw, hereby declare as follows:

1. I am an Assistant Professor of Pediatrics at the Columbia University Irving Medical Center (CUIMC), where I also serve as the Program Director for the Pediatric Critical Care Medicine Fellowship. I have been a member of the Columbia faculty since 2019.

2. I have an Sc.B. in neuroscience from Brown University, an M.D. from Tufts University School of Medicine, and an M.S. in patient-oriented research from Columbia's Mailman School of Public Health.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. As a specialist in pediatric critical care medicine, I care for children of all ages who need advanced levels of care and monitoring in the intensive care unit. My patients can include children with lung disease bad enough to need a ventilator, heart failure, severe

infections that cause dangerously low blood pressure, or organs that no longer work and need to be supported until a transplant can be found. My job is to treat these diseases directly, and to support and coordinate among families, nurses, nutritionists, physical therapists, and other specialist doctors, so that the entire team can maintain the body's delicate balance and allow it to function during a critical illness.

6. In addition to my clinical work, I am the director of the Pediatric Critical Care Medicine fellowship training program at CUIMC. This is a three-year program for doctors who have completed their medical residency in pediatrics and seek additional training in the subspecialty of pediatric critical care. The program accepts 3-4 trainees per year and maintains 11 trainees at any given time.

7. Although it is a clinical training program, all of our trainees are expected to engage in academic research as well. We routinely accept trainees who are interested in becoming physician-scientists—in other words, devoting a significant amount of their career to scientific research in addition to clinical practice. Trainees interested in this career path can apply for grant funding to support their research during and after fellowship training.

8. Trainees in my program have been directly affected by the termination of grants to Columbia. One trainee was supposed to have been funded by a two-year T32 training grant. This grant would have allowed the trainee to study vascular biology and the origins of congenital heart disease in children, working with talented researchers in the fields of cardiology, embryology, and obstetrics and gynecology. That grant has now been terminated.

9. Another trainee will be funded by a T32 training grant from the Agency for Healthcare Research and Quality. That training grant has not been terminated. However, the NIH R01 grant funding the research project that the trainee expected to work on has been canceled. The project involved integrating an artificial intelligence system into the electronic health record throughout the adult hospital to prevent adverse patient outcomes; a recent clinical trial on adult patients showed a 36% decrease in the risk of death across hospital units that used this system. The terminated grant would have extended this research to the pediatric hospital

context. Although my trainee's grant has not been terminated, the trainee will no longer be able to conduct this important and promising research under the mentorship of the person whose R01 grant was canceled.

10. These grant terminations directly harm the Pediatric Critical Care fellowship program. The grant funding generally is used to support the salary of the trainee during their time dedicated to research activity. By terminating this funding source, the Department of Pediatrics has less funding than it otherwise would have, which leaves fewer resources for other activities.

11. The grant terminations will also jeopardize our program's ability to recruit excellent trainees in the field of pediatric critical care, particularly those interested in pursuing academic careers. One of the main reasons that fellows choose our program is that Columbia is a major academic center engaged in important scientific research. Trainees are altruistically motivated to do this important work because it will help children survive and live longer, healthier lives. For physician-scientists, the ability to earn grants to fund that research is a major determinant of career trajectory. It will be much more difficult to recruit talented physician-scientists to Columbia if federal grants to our institution are at risk of being canceled with virtually no notice, to the detriment of our trainees' careers.

12. I am aware from public reporting of several other grant terminations that are affecting research in pediatric medicine at CUIMC. For example, NIH terminated the Clinical and Translational Science Award (CTSA), which has funded the Irving Institute for Clinical and Translational Research at the medical center since 2006. The purpose of the CTSA is to support the translation of research discovery into improved patient care. It provides an enormous amount of direct support for researchers, including statistical analysis, administrative support, assistance with clinical trials, and advice on all aspects of the research process. These services enable researchers to develop new treatments faster and to deliver those treatments to patients more efficiently, effectively, and safely.

13. The CTSA provided funding and support for my previous research grant, which examined severe respiratory failure in infants and children and subsequent problems with their neurodevelopment and mental health. I continue to use CTSA resources to support research in this area. I have previously relied on CTSA expertise to aid research on multisystem inflammatory syndrome in children (a life-threatening post-infectious complication of COVID-19). That support helped to advance our understanding of the most effective treatments for this illness. I have also used CTSA services to provide advice on projects centered on neurodevelopment after premature birth and care in a neonatal ICU. In general, the CTSA has been the backbone for my own research support, and the loss of its services would be devastating for funded and unfunded research projects across the institution.

14. NIH has terminated several other grants related to pediatric research. For example, one terminated project sought to develop antiviral medications to inhibit SARS-CoV-2 (the virus responsible for COVID-19) from entering and infecting cells. This would have been a non-vaccine method for preventing spread of the disease, particularly useful in vulnerable or immunocompromised populations. Another terminated project was the COVID-19 Mother Baby Outcomes (COMBO) initiative, which has been studying the impact of COVID-19 infections during pregnancy on the developing fetus and the future health of both the mother and child. The cancellation of these projects will deprive the field of pediatric medicine of critical insights that could be applied to save lives, improve patient care, and help children throughout the United States.

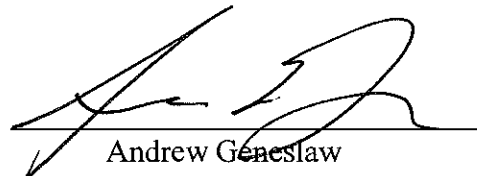
15. I understand the government claims to have terminated these grants because of Columbia's "continued inaction in the face of persistent harassment of Jewish students." It is abhorrent to me as a physician, scientist, teacher—and as a Jew—that the administration would claim that halting scientific research funding is somehow an appropriate response to antisemitism. The administration's actions do not make Jews on Columbia's campus safer. Instead, their actions compromise our ability to do vital work caring for patients (in my case, very sick children), training the next generation of physicians and scientists, and conducting the

research that will enable us to better understand, prevent, and treat the causes of our patients' suffering.

16. I am greatly concerned that the government's actual motivation is to suppress free speech on campus and punish ideas and viewpoints that it does not like—including, for example, support for diversity, equity, and inclusion. I strongly believe in the importance of diversity in the medical profession, given the evidence that a more representative workforce leads to improved health outcomes for patients, particularly those in marginalized communities. But the government's actions have had a significant chilling effect on the way that my colleagues and I discuss the issue of diversity in medicine, as well as other topics the government would consider controversial.

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

Executed on this 8 day of May 2025.



Andrew Geneslaw

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Alex de
Sherbinin
(Witness L)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF ALEX DE SHERBININ

I, Alex de Sherbinin, hereby declare as follows:

1. I am the Director of the Center for Integrated Earth System Information (CIESIN), a research unit of the Columbia Climate School at Columbia University. I have worked at CIESIN since 1999. I also regularly teach students at the Climate School.

2. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

3. Since 1998, CIESIN has had a contract with the National Aeronautics and Space Administration (NASA) to run one of twelve data centers known as Distributed Active Archive Centers (DAACs). The general purpose of these data centers is to process, archive, and distribute different types of earth science data, as well as to create data sets for and provide support to researchers at NASA and elsewhere.

4. NASA selected CIESIN to run the Socioeconomic Data and Applications Center (SEDAC), the data center that focuses specifically on data relating to human interactions in the environment.

5. SEDAC provides unique global and regional data products and services in five major areas: population and settlements; climate mitigation and adaptation; environmental sustainability; natural hazards; and poverty and food security. SEDAC's flagship data product is the Gridded Population of the World, which is a global map that models the distribution of the human population across the world. This map can be integrated with other data sets (*e.g.*, data on air pollution), allowing for a greater understanding of the impact of issues like air pollution on public health. SEDAC also created a gridded version of the U.S. Social Vulnerability Index, a data set that helps assess the ability of counties in the United States to prepare for, respond to, and recover from environmental hazards.

6. SEDAC's data products have been used widely, both in academic research and in real-world decision-making and applications. Roughly 700 academic journal articles per year cite SEDAC data, with many using our data to understand the ways that humans are affected by, or contributing to, environmental change. As far as real-world applications, disaster managers have used SEDAC data to help estimate the population in communities affected by natural disasters, such as hurricanes, major flooding, and wildfires. Understanding the precise population distribution can help emergency managers identify the appropriate size of the emergency response, as well as the appropriate locations to send utility trucks and other forms of emergency assistance.

7. CIESIN's most recent contract with NASA was a five-year contract for more than \$5 million a year (for a total contract value of nearly \$30 million). There were 3.5 years left on this contract.

8. CIESIN's contract with NASA has paid for the salaries of the 25 people who worked on SEDAC on either a full- or part-time basis. These individuals have unique skills and

specialized knowledge in the technical areas relevant to running a data repository, including the development and processing of data.

9. On March 7, 2025, CIESIN received a stop-work order from NASA instructing us to cease work on SEDAC. Although we did not receive a formal termination letter from NASA until April 30, 2025, it is my understanding that the original stop-work order was issued as part of the government's termination of \$400 million in grants and contracts to Columbia. Neither the stop-work order nor the termination letter we received gave a specific reason for the termination.

10. I have learned that CIESIN's contract with NASA appeared on a March 3, 2025 list of contracts identified for potential stop-work orders by Josh Gruenbaum, the Commissioner of the Federal Acquisition Service in the General Services Administration. *See* ECF No. 93-1. The contract number is 80GSFC23CA001, and the amount of the contract is \$29,953,052.00.

11. The loss of the SEDAC contract will be devastating for the tremendously dedicated staff at CIESIN. Because the contract has been terminated, CIESIN has had to notify 17 of the 25 people who have worked on SEDAC that they will be losing their positions.

12. The loss of the contract also means SEDAC will no longer be able to perform the important services it has performed for more than 25 years—including updating the data, developing new data sets and products, curating data from third-party developers, and ensuring the data are archived and distributed in accordance with best practices. This will have real-world consequences, given the range of practical applications for which SEDAC data have been used.

13. Because the contract has been terminated, NASA removed all SEDAC data from its Earthdata catalog in early April 2025. Since public access was interrupted, CIESIN invested substantial effort in identifying an appropriate open repository and has begun the process of moving the data to that repository. Until that happens, CIESIN has made the data catalog available on a webpage to provide minimal access for its user community and attempted to publicize it, but it is likely that many researchers and others who rely on the data do not know where to find them. The current catalog is a Google sheet with very limited functionality for

data search and discovery. In the month or so since the data were removed from the NASA catalog, I have heard from many SEDAC data users who relied on the data and were concerned it would no longer be available.

14. I have no reason to believe the termination of the SEDAC contract had anything to do with CIESIN's performance. SEDAC is rated each year by NASA's Earth Observing System Data and Information System (EOSDIS), and it has generally received exceptional ratings. SEDAC also has a strong reputation among the communities we serve.

15. In my experience, the government's actions terminating millions of dollars in federal funds have affected the campus environment. I have found people are more cautious and guarded about expressing their views, due to concerns that particular words may be taken out of context and used against them.

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

Executed on this 8th day of May 2025.



Alex de Sherbinin

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Mary Beth Terry (Witness M)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF MARY BETH TERRY

I, Mary Beth Terry, declare as follows:

1. I am a Professor of Epidemiology and Environmental Sciences at the Mailman School of Public Health.
2. I have been at Columbia University for over 25 years. I received my PhD in Epidemiology at Columbia University.
3. My research focuses on chronic disease risk, including cancer.
4. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.
5. I am a member of AAUP and AFT.
6. I have had an NIH center grant, called a P50 award, terminated. I was the overall contact Principal Investigator (PI) for the grant. The notice from NIH about the termination stated, "This

project has been terminated due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students.”

7. The grant was in the middle of its fourth year, and we had about a year and a half left. The grant was for a total of about \$20 million over those four years.

8. This grant funded research on chronic disease prevention. The grant supported many components, including three main clinical trials.

9. One trial involved breast cancer patients who were at risk of heart disease. The goal was to figure out ways to manage multiple chronic diseases.

10. A second trial focused on preventing chronic diseases, like cancer and cardiometabolic health.

11. A third trial focused on colorectal cancer screenings and reducing colorectal cancer risk.

12. These trials all included patient participants. Now, the trials are not continuing. As a result of the funding withdrawal, the already-enrolled participants will not be able to get the benefit of their participation: they will not receive the results related to managing or preventing chronic diseases. For those who enrolled in the colorectal cancer screening trial, those participants will no longer be able to access the cancer screenings through the trial, leaving them at risk of developing undetected cancer. We also have stopped all recruitment for future participants in each trial.

13. The NIH center grant also supported two additional trials that were funded as offspring of these main trials, and they have stopped.

14. There were also over 30 pilot studies, run by junior investigators, that were part of this center grant, and they are now cancelled. This is extremely detrimental to the junior researchers

and their career. The grant provided them an opportunity to work, train, and develop their careers, and it brought in new researchers to the field of chronic disease.

15. As a direct result of the funding termination, we have had to lay off staff. We laid off one person around May 7, 2025, and there may be more. This layoff was part of the layoffs that Columbia University publicly announced around the same time. I took time and resources to train these individuals. Their layoff is a huge loss to the project, even if it were ever to be restarted.

16. Although Columbia University was the lead on this grant, there were a number of other institutions that were also part of the NIH center grant, including Hunter College, Cornell, Northwell Health Systems, and the research arm of the Physician Affiliate Group of New York (PAGNY). The funding termination removes their funding, too. I understand that they also have had to lay off staff as a result.

17. We had obtained this grant as part of a specific call for proposals. The call funded eleven centers around the country, and we were one of them. This was a request for proposals to get people who had not been working together to do so, in order to better understand potential solutions to prevent different types of chronic diseases. It was a unique effort.

18. The sudden termination of funding for this research, without any notice, has been harmful for multiple reasons. First, our community partners were critical to this research. The abrupt funding termination after these community partners had been working in good faith harms the trust that we have worked so hard to build.

19. It is also extremely detrimental to the patient participants. Abruptly canceling ongoing clinical trials severely damages trust – why would a patient ever participate in a trial if they don't get to finish and don't get the results and answers they were looking for? They wouldn't.

20. This is a huge loss not only for me and my team, but also for our collective understanding of chronic diseases, like cancer and heart disease.

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

Dated: 5/7/25

Signed: Mary Beth Terry

Mary Beth Terry
Professor of Epidemiology and Environmental Sciences

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

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

Declaration of Steven Chillrud (Witness N)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

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UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

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

DECLARATION OF STEVEN CHILLRUD

I, Steven N. Chillrud, hereby declare as follows:

1. I am a Lamont Research Professor at the Lamont-Doherty Earth Observatory of Columbia University. I have also served in leadership roles on large center grants such as being the Director of the Exposure Assessment Core at the Center for Environmental Health in Northern Manhattan for over 10 years. I have been a fulltime member of the Columbia University research staff since 1996, starting as a postdoc and working my way up to being a tenured Lamont Research Professor.

2. I have a bachelor's degree in chemistry and environmental studies from the University of California, Santa Cruz, and a Ph.D. from Columbia University specializing in geochemistry.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. The Center for Environmental Health and Justice in Northern Manhattan (“the Center”) is funded by a large P30 grant from the National Institute of Environmental Health Sciences, a component of the National Institutes of Health (NIH).

6. A P30 grant is a type of NIH grant known as a Center Core Grant, which is designed to support shared resources and facilities for research by many different investigators. The goal is to provide a comprehensive suite of facilities that can support researchers throughout all stages of their investigations, thus improving research quality and overall research productivity.

7. The mission of our Center is to identify and understand health concerns caused by environmental exposures and to address those exposures through science and partnerships. Researchers at the Center tend to focus in particular on cancer, respiratory illnesses, and neurological and neurodegenerative diseases. We study the effects of environmental exposures both locally in New York and in other places around the United States and the world.

8. The Center is divided into several “facility cores”—i.e., groups that provide different kinds of services to support research projects. For example, the Study Design and Data Science Facility Core provides resources to plan, conduct, and analyze studies, including guidance on data management, interpretation, and reproducibility. The Community Engagement Core conducts and disseminates community-engaged environmental health research, developing strong collaborations with community and government partners and making research accessible to community members, policymakers, public health practitioners, and healthcare providers.

9. I am currently the co-director of the Translational Research Support Core, the overall purpose of which is to provide specific types of laboratory services that can complement investigators’ expertise. I lead a sub-core called the Exposure Assessment Core, which has expertise on providing state-of-the-art analysis of environmental samples (e.g., air, dust, water, soil) and can create customized air monitors and other tailored solutions for researchers. Another sub-core focuses on the collection and analysis of biological samples (animal samples or human blood, urine, tissue, etc.).

10. Any member of the Center can access the services provided by the facility cores. The membership of the Center currently includes 67 Columbia faculty members from a range of academic departments and disciplines.

11. The Center also has two programs to help encourage new scientific studies and develop the careers of faculty members. First, the Pilot Projects Program helps launch new studies, providing pilot funding (up to \$25,000) to conduct preliminary research and analysis; the data generated can then be used to support applications for additional grant funds from NIH and other sources. Second, the Career Development Program awards funding every two years to selected junior faculty members. This funding can be used to help support their research careers by, for example, setting up a laboratory or hiring research assistants or lab techs.

12. Columbia has received P30 grants to support the Center for approximately 26 years.

13. During that time, the Center has supported an enormous amount of important research on environmental science issues. Examples of recent work that Columbia researchers have done through Center collaborations include: showing that metals from e-cigarette aerosols accumulate in the brain in mice and might do the same in humans; reporting on increased hospitalizations following extreme weather events; investigating access to clean drinking water and the impact on infant health; and showing the impacts of mold interventions in homes to reduce asthma exacerbations.

14. The Center has also supported research that has informed significant policy interventions with a meaningful impact on human health. For example, the Center's research on chemicals in children's products helped support the passage of safety legislation in New York State. The Center also worked to help pass an order requiring the phase-out of residual fuel oil in New York City, which has resulted in 40% lower air pollution emissions from large buildings. And the Center has conducted mechanistic studies on the impact of the pesticide chlorpyrifos on the developing brain, which helped inform an EPA regulation on this pesticide.

15. On March 10, we received notice from Columbia that the P30 grant supporting the Center appeared on a list of grants to Columbia that had been terminated by NIH. By March 14, we had been notified directly by NIH that the grant was terminated.

16. I am not aware of any concerns by NIH about the Center's performance. On the contrary, the Center went through a competitive renewal approximately two years ago and received one of the best scores indicating that it is one of the top centers in the country.

17. The termination of the grant will make it substantially more difficult for researchers at Columbia to conduct the type of environmental health research that the Center has historically supported. This will have a major impact on Columbia's ability to recruit the best graduate students and young scientists interested in environmental health and science research.

18. The Center will likely lose multiple staff members as a result of the grant's termination. These are individuals who have spent years (in some cases, decades) building up highly specialized skills and expertise in particular aspects of environmental science research. Even if funding were eventually restored and we were able to hire new staff to fill these roles, it would be an enormous undertaking to train these individuals to perform the work our current staff performs. I believe it would take decades to rebuild the expertise we will have lost.

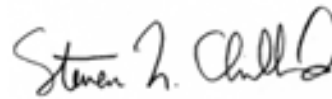
19. The loss of the Center's Pilot Projects and Career Development Programs will also cause both immediate and long-term harm, particularly to junior researchers. We will no longer be able to provide dedicated funding for junior faculty career development. Much of the Center's pilot funding has been awarded to early-career faculty and, as noted, has been used to support applications for additional funding. The loss of these opportunities will jeopardize the ability of junior researchers to develop the skills and access the resources they need to be successful independent investigators.

20. I am aware of other grants to Columbia that were terminated on the same date as our P30 grant. These include grants that funded important training opportunities for graduate students, as well as research projects aimed at understanding the health effects of certain chemical exposures.

21. I am greatly concerned about the consequences of these mass grant terminations not only for Columbia and for individual researchers whose careers are now at stake, but also for the United States' competitiveness in environmental health science and many other fields. I believe these actions will make it considerably harder for the United States to attract the best graduate students and young scientists from around the world.

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

Executed on this 7th day of May 2025.



Steven N. Chillrud

CERTIFICATE OF SERVICE

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

Dated: September 22, 2025

By: s/ Rachel Goodman

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