

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Plaintiff-Appellee,

v.

US DEPARTMENT OF HEALTH AND HUMAN SERVICES; NATIONAL INSTITUTES OF HEALTH; ROBERT F. KENNEDY, JR., in the official capacity as Secretary of the United States Department of Health and Human Services; US DEPARTMENT OF JUSTICE; TODD BLANCHE, in the official capacity as Acting Attorney General of the United States; US DEPARTMENT OF EDUCATION; LINDA M. MCMAHON, in the official capacity as Secretary of the United States Department of Education; US GENERAL SERVICES ADMINISTRATION; EDWARD FORST, in the official capacity as Administrator of the United States General Services Administration; US DEPARTMENT OF ENERGY; CHRISTOPHER A. WRIGHT, in the official capacity as Secretary of the United States Department of Energy; US NATIONAL SCIENCE FOUNDATION; BRIAN STONE, in the official capacity as Acting Director of the United States National Science Foundation; US DEPARTMENT OF DEFENSE; PETER B. HEGSETH, in the official capacity as Secretary of the United States Department of Defense; NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; JARED ISAACMAN, in the official capacity as Administrator of the National Aeronautics and Space Administration; US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SCOTT TURNER, in the official capacity as Secretary of Housing and Urban Development; US DEPARTMENT OF AGRICULTURE; BROOKE L. ROLLINS, in her official capacity as Secretary of Agriculture,

Defendants-Appellants.

On Appeal from the United States District Court for the District of Massachusetts,
No. 25-cv-11048

**BRIEF OF AMICI CURAIE COLUMBIA ALUMNI FOR
ACADEMIC FREEDOM SUPPORTING PLAINTIFF-APPELLEE
AND SUPPORTING AFFIRMANCE**

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STATEMENT OF INTEREST

Amicus Columbia Alumni for Academic Freedom (CAAF) was established in March 2025 in response to the Trump Administration’s arbitrary and vindictive actions against our Alma Mater. Those actions—including sudden, massive terminations of research funding vital to the University’s research mission, as well as attempts to commandeer central parts of the University’s administrative and academic life—closely resemble the actions taken against Harvard at issue in this case. As CAAF’s inaugural Statement explained, such “extortive” actions “represent a grave threat to ... the academic freedom and free inquiry that are the bedrock of universities in free societies.”¹ “Rewarding such extortion,” the Statement warned, would “only embolden” the Administration to “further encroach on academic freedom.”

Founded in 1754, King’s College changed its name to Columbia in 1784 to reflect its support for the new republic. Before tackling the Federalist Papers, King’s College dropout Alexander Hamilton and alumnus John Jay wrote Columbia’s charter. George Washington, honoring alumni who had fought in the Revolutionary War, attended the 1789 commencement. Columbia University

¹ *Statement on Academic Freedom*, <https://www.columbiaalumniforacademicfreedom.org/statements/march132025-letter/>. Individual members of CAAF who join this brief are listed in the Addendum.

alumni include Presidents Teddy Roosevelt, Franklin Delano Roosevelt and Barack Obama; artists Richard Rodgers and Allen Ginsberg; Justices Ruth Bader Ginsburg and Neil Gorsuch; Attorneys General William Barr and Eric Holder; politicians Shirley Chisholm and Pat Buchanan; and authors Isaac Asimov, Ursula K. Le Guin, and Jhumpa Lahiri. Columbia has helped educate thousands of teachers, engineers, scientists, social workers, business leaders, nurses, doctors, artists, and lawyers, and others who help society thrive and grow. And like other leading American research universities, Columbia has repaid federal investments many times over by, among other things, producing foundational research that supports vital advances in the sciences, medicine, technology, and other areas of human understanding. Columbia played a significant role in the Manhattan Project, and also houses the Nation's first dedicated Climate School.

CAAF's members are committed to helping Columbia survive current threats to its independence and institutional integrity. Members have a variety of views on recent (and past) campus protests and on the University's responses, and all agree that the right of every member of the University community to live, study, and work free from discrimination or intimidation is fundamental and enforceable. But CAAF's members are united in the conviction that nothing about recent campus events—ones that reflect real fissures in our world and Nation—remotely justifies, nor is the true reason for, the sweeping, indiscriminate, and punitive

actions recently visited upon Columbia and Harvard by the Trump Administration. These actions are in no way lawful responses to concerns about university administrators' handling of campus protests, nor to disagreements with some students', professors', or administrators' political viewpoints.

Amici believe this brief's description of the Trump Administration's unconstitutional and extortionate attack on Columbia and other leading research universities, and of the centrality of universities and academic freedom to the American experiment, will assist the Court's understanding of the constitutional issues presented in this case. Counsel for the parties have consented to its submission.

INTRODUCTION AND SUMMARY OF ARGUMENT

The “government-initiated onslaught against Harvard,” A.54-55, documented in this case follows the modus operandi of the Administration's campaign of extortion and abuse against many of the country's other leading research universities. In Columbia's case, the Trump Administration used threats of ruinous, unprecedented penalties—wildly disproportionate to the claimed discrimination and without observance of required process—and also sought to force the University to conform to “ideological and pedagogical concerns.” A.53. And in Columbia's case, the Administration's campaign led to an extorted “agreement” that formalized a degree of ongoing governmental interference in a

private university that has no place in a free country. The “targeted, ideologically-motivated assault on this country’s premier universities” that the district court described, A.79, has harmed institutions, students, faculty, staff, local economies, and research projects from coast to coast.

The district court in this case was correct to realize what the First Amendment and 250 years of American experience make obvious: The Trump Administration’s campaign against universities is flagrantly unconstitutional.

I.A. The Trump Administration's campaign against Harvard follows the same pattern of extortion and lawlessness that afflicted Columbia. In both cases, the Administration suspended vital research funding and demanded sweeping changes to governance, admissions, and curriculum without any pretense of following Title VI’s required procedures. These actions are not legitimate civil rights enforcement, but instead a campaign to subordinate independent universities to executive control, chilling speech and inflicting harm on researchers, students, and a public that depends on universities’ work.

B. Columbia's experience further illustrates the perils facing Harvard and other universities that resist. Faced with existential threats to its funding, Columbia agreed to a coerced settlement that transferred to the federal government unprecedented authority over admissions, faculty governance, and academic programs. Far from resolving the crisis, that “regulation by deal” has caused

ongoing harm—corroding researchers' confidence, chilling inquiry into disfavored topics, and driving talent away from Columbia and American science generally. The settlement's terms, publicly touted by the Administration as a template for *diktats* for other institutions, confirm that such extortion cannot be reconciled with the Constitution.

II. The stakes of this case extend far beyond any single university. Research universities like Harvard and Columbia generate the scientific breakthroughs, economic growth, and human capital that have sustained American leadership since World War II. The Administration's campaign threatens these public benefits by destabilizing the research enterprise nationwide. The First Amendment forecloses the government's effort to coerce universities into ideological submission and destroy the defining features that have made American higher education a source of national strength and the envy of the world.

ARGUMENT

I. The Trump Administration's Actions Against Harvard Are Part of a Lawless National Campaign Against Research Universities.

A. The Administration's Campaign Against Harvard Resembles Its Similarly Unconstitutional Actions Against Columbia.

The Administration's actions against Harvard closely resemble those it directed against Columbia: suspending or canceling major federal research grants, including for medical and scientific research studies already well underway, and

issuing a raft of demands that the University change core elements of governance, curricular management, and admissions. As at Harvard, these punitive actions were taken summarily, without compliance with statutory and regulatory procedures, and sanctions such as blocking scientific research grants were wildly unmoored from the asserted “wrongs” they purported to address. As the Associated Press reported at the time:

When President Donald Trump canceled \$400 million in funding to Columbia University over its handling of student protests against Israel’s war in Gaza, much of the financial pain fell on researchers a train ride away from the school’s campus, working on things like curing cancer and studying COVID-19’s impact on children. The urgency of salvaging ongoing research projects at the university’s labs and world-renowned medical center was one factor in Columbia’s decision last week to bow to the Republican administration’s unprecedented demands for changes in university policy as a condition of getting funding restored.²

The actions at issue here are part of an unprecedented nationwide attack upon research universities, institutions that top officials deem politically adverse—even “the enemy.”³ At Columbia, that has taken the form of governmental

² Philip Marcelo, *Researchers in Limbo as Columbia Bows to Trump’s Demands in Bid to Restore \$400M Federal Funding*, ASSOCIATED PRESS (March 26, 2025); U.S. General Services Admin., *DOJ, HHS, ED, and GSA Announce Initial Cancellation of Grants and Contracts to Columbia University Worth \$400 Million* (Mar. 7, 2025) (announcing “immediate cancellation of approximately \$400 million in federal grants and contracts to Columbia University”), <https://perma.cc/72VB-JXLL>.

³ JD Vance, *The Universities Are the Enemy* (Nov. 2, 2021), <https://nationalconservatism.org/natcon-2-2021/presenters/jd-vance/>. Leo Terrell, head of the multi-agency task force leading the Administration’s campaign, has

demands and threats, efforts to commandeer management of university functions (including management of academic departments and admissions), peremptory blocking of federal grant funding that supports research at the heart of the University's mission, and threats to the University's accreditation.⁴

And as at Harvard, *see* A.61 (noting that the Administration's failure to comply with Title VI's requirements for terminating federal grants is "undisputed"), at Columbia the Administration flagrantly disregarded the Civil Rights Act's "elaborate restrictions" on agency enforcement, *Alexander v. Sandoval*, 532 U.S. 275, 290 (2001); *see* 42 U.S.C. § 2000d-1, which are designed to ensure fairness and accuracy and to enable institutions to pursue their educational missions on a nondiscriminatory basis. *See* 110 Cong. Rec. 6544 (1964) ("The purpose of Title VI is not to cut off funds but to end discrimination.") (Sen. Hubert Humphrey).

said: "We're going to bankrupt these universities." *Quoted in* Andy Rose, *Timeline of the Dispute between Trump and Harvard*, CNN VIA KCRA (May 23, 2025), <https://www.kcra.com/article/trump-harvard-antisemitism-campus-funding/64866157>; Alan Blinder, *Trump Has Targeted These Universities. Why?*, NEW YORK TIMES (May 27, 2025), <https://www.nytimes.com/article/trump-university-college.html>.

⁴ *See also* Sharon Otterman, *Trump Escalates Attack on Columbia by Threatening Its Accreditation*, NEW YORK TIMES (June 4, 2025), <https://www.nytimes.com/2025/06/04/nyregion/columbia-trump-accreditation-civil-rights.html>.

The amount of federal funding immediately suspended at Columbia was so large as to devastate important research and graduate student education programs, to require widespread terminations of research staff and to endanger or halt long-term research projects with large stakes for human welfare.⁵ The peremptory suspensions and terminations of grants that Columbia researchers had been awarded through competitive processes, based upon their qualifications and the quality of their proposed contribution, caused enormous harm to Columbia, serious disruption to thousands of members of the University's community, and untold losses to the broader public good.⁶ These sorts of actions, as well as graphic examples of the federal government directing its power against the University

⁵ REUTERS, *Columbia University Lays Off Nearly 180 Researchers Due to Trump Funding Cuts*, (May 6, 2025), <https://www.reuters.com/world/us/columbia-university-lays-off-nearly-180-researchers-due-trump-funding-cuts-2025-05-06/>; Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*, NEW YORK TIMES (Mar. 18, 2025), <https://www.nytimes.com/2025/03/18/nyregion/columbia-research-grants-trump.html>; Jocelyn Kaizer, *After Columbia's "Nightmare," Dozens More Universities Brace for NIH Cuts*, SCIENCE (Mar. 18, 2025), <https://www.science.org/content/article/after-columbia-s-nightmaredozens-more-universities-brace-trump-nih-cuts>; J. Zuloaga and H. Engelke, *'Soul-crushing': A month after federal funding cuts, researchers grapple with lost grants*, COLUMBIA DAILY SPECTATOR (Apr. 27, 2025), <https://www.columbiaspectator.com/news/2025/04/27/soul-crushing-a-month-after-federal-funding-cuts-researchers-grapple-with-lost-grants/>.

⁶ The affected research studies and projects, numbering in the hundreds, included research on improving public health and medical care, and multi-decade health studies conducted in coordination with other universities. *E.g.*, Joseph Goldstein, *Medical Research at Columbia is Imperiled*, *supra*, note 5.

community (including wholesale blocking of student visas and detentions of students based on political involvement), have, predictably, created a climate of fear at Columbia, as have similar efforts on other campuses. *See NAACP v. Button*, 371 U.S. 415, 433 (1963) (noting that First Amendment freedoms are “delicate and vulnerable,” and “need breathing space to survive”).⁷

The federal government’s campaign against American universities threatens to degrade the vibrancy and openness that are among these institutions’ defining characteristics. It has been called “the most serious assault on academic freedom in American history.”⁸ These actions also constitute crudely viewpoint-based abridgements of the right to free speech, in pursuit of a “government-imposed orthodoxy.” *Jenner & Block LLP v. Dept. of Justice*, 784 F.Supp.3d 76, 88 (D.D.C. 2025).⁹ Coming from a Chief Executive who has forgiven even violent protest

⁷ J. Oliver Conroy, *US Universities Face Choice to Surrender or Fight Back against Trump’s ‘Takeover’*, THE GUARDIAN (Mar. 20, 2025), <https://www.theguardian.com/us-news/2025/mar/20/universities-trump-administration> (“There is extraordinary fear across university campuses at the very top level”) (quoting AAUP general counsel Veena Dubal); Kimmy Yan, *Student Visa Cancellations Have Now Hit Over Half of All States. What’s Behind It*, NBC NEWS (April 10, 2025), <https://www.nbcnews.com/news/asian-america/international-students-revoked-visas-reasons-why-rcna200313>.

⁸ Michael Ignatieff, *An Authoritarian Came for My University. His Objective was Clear*. WASHINGTON POST (June 2, 2025), <https://www.washingtonpost.com/opinions/2025/06/02/trump-harvard-attack-viktor-orban-ceu-hungary/>; *see also id.* (“Nothing compares to it[.]”).

⁹ The Secretary of Education has said: “Universities should continue to be able to do research as long as they’re abiding by the laws and in sync, I think, with the

when it espoused a congenial viewpoint,¹⁰ the lesson is plain: Only congruence with the President's viewpoint determines whether activity is tolerated or subjected to harsh punishment.

As the legal profession has also witnessed, an administration willing to deploy the federal government's vast powers ruthlessly and without regard to constitutional restraints can bring even well-resourced institutions to heel. *See Perkins Coie, LLP. v. Dept. of Justice*, 783 F. Supp. 3d 105, 155-59 (D.D.C. 2025) (discussing reactions of Paul, Weiss and other major law firms). Just as a legal profession in thrall to the President cannot properly perform its role in promoting the rule of law, intimidated and censored research universities cannot discharge their role of advancing knowledge through open industry and discussion.

The campaigns against Harvard, Columbia, and other institutions are not bona fide civil rights investigations. If they were, the government would not be attempting to destroy their targets with massive funding cuts and to disqualify large portions of their student bodies; it would instead be following Title VI's

administration and what the administration is trying to accomplish," Dan Gooding & Gabe Whisnant, *Linda McMahon Says Colleges Must Be 'In Sync' with Trump Administration*, NEWSWEEK (May 28, 2025), www.newsweek.com/linda-mcmahon-says-colleges-must-sync-trump-administration-20780.

¹⁰ Alan Feuer, *Trump Grants Sweeping Clemency to All Jan. 6 Rioters*, NEW YORK TIMES (Jan. 20, 2025), <https://www.nytimes.com/2025/01/20/us/politics/trump-pardons-jan-6.html>.

modulated, procedurally rigorous, remedially-oriented provisions, so that the opportunities afforded by the target universities are preserved for all. Instead, this is a declared war for power and control, seeking to make universities (like big law firms before them) supplicants to an all-powerful Executive.

B. *The “Resolution Agreement” Imposed on Columbia Illustrates the Extortionate Character of the Administration’s Campaign.*

At Columbia—unlike at Harvard—university leadership decided in the face of extortionate demands and existential risks to enter into a settlement agreement. Columbia agreed to pay the federal government \$200 million over three years “in settlement and compromise,” to pay \$21 million into a separate claims fund, and to meet a wide array of requirements concerning student admissions, student discipline, university governance, academic programs, governmental access to information, and more.¹¹ Although in some respects couched as reaffirmations of existing commitments or obligations, the agreement is an “astonishing transfer of autonomy and authority to the government—and not just to the government, but to an administration whose disdain for the values of the academy is demonstrated

¹¹ *Resolution Agreement Between the United States of America and Columbia University* (July 23, 2025) (“Resolution Agreement”), <https://president.columbia.edu/sites/president.columbia.edu/files/content/July%202025%20Announcement/Columbia%20University%20Resolution%20Agreement.pdf>. *See also* <https://www.nytimes.com/interactive/2025/07/24/nyregion/columbia-trump-deal.html>.

anew each day.”¹² The agreement “narrows Columbia’s autonomy with respect to admissions, the hiring and promotion of faculty, and curriculum—all aspects of what the Supreme Court has called the ‘essential freedoms’ of the university.”¹³

This settlement is exercise of “regulation by deal”: change effected not through law or due process, but through illegal threats of maximum, existential harm to Columbia’s finances.¹⁴ “[T]he agreement gives legal form to an extortion scheme ... that defies the relevant statutes as well as the constitutional separation of powers and the First Amendment.”¹⁵ The agreement’s significance as a precedent for future strong-arming was not lost on the Trump Administration: The

¹² Jameer Jaffer, Alex Abdo, Katy Glenn Bass, Nadine Farid Johnson & Larry Siems, *What the Columbia Settlement Really Means*, KNIGHT FIRST AMENDMENT INST. (Aug. 4, 2025), <https://knightcolumbia.org/blog/what-the-columbia-settlement-really-means>.

¹³ *Id.* (citing *Sweezy v. State of N.H. by Wyman*, 354 U.S. 234, 263 (1957) (enumerating a university’s freedom “to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.”) (Frankfurter, joined by Harlan, JJ, concurring in result); *see also id.* at 250 (“The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth.”) (plurality opinion of Warren, C.J.).

¹⁴ *See* David Pozen, *Regulation by Deal Comes to Higher Education*, BALKINIZATION (July 23, 2025), <https://balkin.blogspot.com/2025/07/regulation-by-deal-comes-to-higher-ed.html>.

¹⁵ *Id.*

Secretary of Education called the Columbia deal a “template for other universities around the Country.”¹⁶

Even as to provisions that arguably align with existing legal responsibilities, the settlement effects a sea change in university governance—and inevitably casts a pall over the operations of the University—by subjecting core areas of university administration to federal oversight. That oversight, moreover, has been conducted by officials who have an avowed campaign to crush universities as places of independent thought. *See* n. 9, *supra*. The Administration extracted these concessions by imposing unprecedented sanctions without any pretense of following the procedural requirements of the statute it purported to enforce, Title VI of the federal Civil Rights Act. That statute does not authorize fines, and the amount of Columbia’s obligation appears to lack precedent even in cases of institutions actually and formally found to have violated the law.¹⁷ The amount and

¹⁶ Ben Unglesbee, Laura Spitalniak and Natalie Schwartz, *Tracking the Trump Administration’s Deals with Colleges*, HIGHER ED DIVE (Oct. 22, 2025; updated Dec. 2, 2025), <https://www.highereddive.com/news/tracking-the-trump-administrations-deals-with-colleges/803434/>.

¹⁷ *See* Sonel Cutler, *Where is Columbia’s \$200-Million Settlement Going, Exactly?* CHRONICLE OF HIGHER EDUCATION (Aug. 6, 2025) (“A general contribution to the federal government of \$200 million for basically the right to continue to receive federal funds—I’ve never heard of anything like that.”) (quoting higher-education lawyer Scott Schneider); *id.* (contrasting the \$200 million sum under the Columbia settlement to \$14 million fine that was the largest penalty ever levied under the Clery Act, which requires reporting of campus crime information and contains an explicit civil fine provision, *see* 20 U.S.C. § 1092(f)—a \$14 million fine based on

nature of the sum extracted from Columbia were previously unheard of. Entered into as a means to avoid greater, existential financial blows to the University's very survival, the agreement comes at a high cost to the University's operations, morale, and autonomy.

Depriving Columbia of hundreds of millions of dollars that otherwise would have gone toward the University's educational mission is by itself a heavy blow.¹⁸ But the Resolution Agreement's incursions go much further. They require Columbia, for example, to "take steps to decrease financial dependence on international student enrollment," Resolution Agreement ¶ 22, and to inquire of foreign applicants' reasons for wanting to study, *id.* ¶ 21. The latter provision is especially problematic given the Trump Administration's practice of withholding and revoking thousands of student visas, typically with a minimum of process.

"extensive" violations of law found by the government's "yearslong investigation"), <https://www.chronicle.com/article/where-is-columbias-200-million-settlement-going-exactly?>; see also Michael C. Dorf, *How Bad is the Columbia Settlement Agreement?* (July 24, 2025), <https://www.dorfonlaw.org/2025/07/how-bad-is-columbia-settlement-agreement.html>.

¹⁸ And the required payments do not capture the financial toll: the Trump Administration's arbitrary campaign has cost Columbia (and other universities in the cross-hairs) tens of millions in legal fees. Alan Blinder, *Legal and Lobbying Costs Surge as Universities Face Trump Pressure*, NEW YORK TIMES (June 14, 2026) ("The Trump administration's biggest Ivy League targets had the largest legal bills. Harvard spent \$126.6 million, a 58 percent increase. Columbia paid \$93.6 million, a rise of roughly 46 percent."), <https://www.nytimes.com/2026/06/14/us/legal-lobbying-cost-university-college-trump.html>.

That practice has already caused enormous disruption on campuses like Columbia and grave uncertainty for current and prospective foreign students who play a key role in the intellectual life of almost every vibrant and successful American research university.¹⁹

As amici can attest, Columbia’s openness to and high enrollment of international students has been an essential, and incalculably valuable, part of the Columbia educational experience. In classrooms, dormitories, laboratories, and extracurricular activities, Columbia students’ ability to learn with students from around the globe makes an immeasurable contribution to Columbia students’ education. And non-U.S. students’ presence—by cultivating future global leaders’ connections to and affection for this country—advances the common good and the national interest. The various provisions of the agreement that target foreign enrollment are a serious blow to one of Columbia’s distinctive institutional strengths.²⁰

The settlement also polices Columbia’s review of student applications for admission, prohibiting “personal statements, diversity narratives, or any applicant

¹⁹ See Jaffer et al., *What the Columbia Settlement Really Means*, *supra* n. 12.

²⁰ See Laura Spitalniak, *Trump 2.0’s Impact on Higher Ed: The First Year in 8 Numbers*, HIGHER ED DIVE, <https://www.highereddive.com/news/trump-20s-impact-on-higher-ed-the-first-year-in-8-numbers/809909/>; *see id.* (noting that “the federal government announced in April [2026] that it would temporarily reverse the cancellations pending the adoption of a formal policy”).

reference to racial identity as a means to introduce or justify discrimination.”

Resolution Agreement ¶ 16. That requirement is difficult to reconcile with (and seems designed to undermine) the Supreme Court’s express recognition that universities *may* legitimately “consider[] an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise,” in written submissions such as admissions essays. *See Students for Fair Admissions, Inc. v. President and Fellows of Harvard University*, 600 U.S. 181, 230 (2023).

The agreement also imposes a content-based regime for superintendence of academics, including by requiring the University’s Senior Vice Provost to review “portfolio of programs in regional areas across the university, starting with the Middle East,” Resolution Agreement ¶ 12—a profound intrusion into Columbia’s academic autonomy.”²¹

While the coerced settlement allowed Columbia to avoid immediate ruinous cuts to vital research activities, it has diminished the University and caused it serious ongoing harm. The Resolution Agreement’s sweeping terms and the Administration’s demonstrated willingness to pursue unconstitutional ends through unconstitutional means have yielded corrosive uncertainty about the stability of research opportunities. And they have chilled inquiry and expression, both inside

²¹ *See* Jaffer et al., *What the Columbia Settlement Really Means*, *supra* n.12.

and outside the classroom, by students and faculty alike, about subject matter (including climate change, social inequalities, and international relations) that the Administration’s campaign has targeted.

The attack on university research at Columbia and elsewhere has done profound and long-lasting harm—impeding the hiring and retention of researchers, encouraging top scientific talent to look for opportunities outside the United States, and “causing people to leave academia” altogether.²² Reflecting on the events of the last year, a Columbia professor of developmental neuropsychiatry described his “fear ... that we will lose a generation of scientists.”²³

The harm to Columbia is illustrative of national trends that are broadly straining American science: A research survey of researchers at 131 American universities found that the Trump Administration’s actions have “affected the scientific workforce pipeline, hampering their ability to recruit internationally and domestically,” and creating an environment in which many senior researchers find

²² Joseph Zuloaga & Celine Chien, *‘Everyone Feels Insecure’: One Year Since \$400 Million Federal Funding Cuts, Columbia Researchers Report Lingering Uncertainty*, COLUMBIA SPECTATOR (Mar. 7, 2026), <https://www.columbiaspectator.com/news/2026/03/07/everyone-feels-insecure-one-year-since-400-million-federal-funding-cuts-columbia-researchers-report-lingering-uncertainty/>; *see also id.* (“Earlier this year, eight Columbia researchers were reported to have left the University to work in France as part of that country’s efforts to draw in U.S. researchers.”)

²³ *See* Zuloaga and Chien, *supra* n. 22 (quoting Professor Jeremy Veenstra-VanderWeele).

it necessary to “caution[] students or collaborators to be careful what they say publicly” and “abandon[] plans on one or more research topics.”²⁴

The Administration’s policies to restrict and expel foreign students have compounded the stresses on American academic research.²⁵ “The competitive edge that the United States has sustained by being the most attractive destination for global talent can no longer be taken for granted.”²⁶

²⁴ Eric Welch and Timothy P. Johnson, *We Asked U.S. Researchers How the Trump Administration’s Science Policies Have Affected Them*, WASHINGTON POST, RIPPLE (May 21, 2026), <https://www.washingtonpost.com/ripple/2026/05/19/self-censorship-more-stress-tougher-recruiting-we-asked-us-researchers-how-the-trump-administrations-science-policies-have-affected-them>. “[N]early two-thirds of the scientists in our sample appear to be considering one or more other career options.” *Id.*; see also Laurie Udesky & Jack Leeming, *Exclusive: a Nature Analysis Signals the Beginnings of a US Science Brain Drain*, NATURE (Apr. 22, 2025), <https://www.nature.com/articles/d41586-025-01216-7>.

²⁵ See Max Kozlov, Jeff Tolleson and Dan Garisto, *US Science After a Year of Trump*, NATURE (Jan. 20, 2026) (citing 17 percent decline in new international-student enrollments between 2024 and 2025), <https://www.nature.com/immersive/d41586-026-00088-9/index.html>; see also Maya Henry, *Trump Threatened Harvard and Columbia’s Funding. A Year Later, Only Harvard Is Still Fighting*, COLUMBIA SPECTATOR (March 13, 2026), <https://www.columbiaspectator.com/the-eye/2026/03/13/trump-threatened-harvards-and-columbias-funding-a-year-later-only-harvard-is-still-fighting/>.

²⁶ Tara Watson, Matthew Wich, Johnny Willing, *How the Trump Administration Is Eroding the Immigrant Talent Pipeline*, BROOKINGS RESEARCH (May 21, 2026), <https://www.brookings.edu/articles/how-the-trump-administration-is-eroding-the-immigrant-talent-pipeline/>.

II. The Administration's Actions Imperil the Vital Public Benefits that Research Universities Provide.

Under our Constitution, neither universities nor other private actors must justify their civic value to the sovereign in order to enjoy legal protection. This is a free country—universities can teach and say what they want, and the government may not use its regulatory powers or its purse strings to censor, punish and terrorize perceived political opponents. But it is nonetheless true that universities like Harvard and Columbia, and the dozens of others now under attack, contribute enormously to the Nation and the public welfare. They spur national and regional economic growth, generate war-winning and disease-curing technologies, and nurture many forms of human creativity. The Administration's vindictive campaign puts all that at risk.

Since this country's earliest days, universities have been vital to the American experiment. The Massachusetts Constitution of 1780, authored primarily by John Adams, provided that in order to diffuse "[w]isdom and knowledge ... among the body of the people," as "necessary for the preservation of their rights and liberties," "it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge." Mass. Const., Art. V, s. 2 (1780). George Washington urged Congress to "[p]romote..., as an object of primary importance, institutions for the general

diffusion of knowledge.” *Farewell Address* (Sept. 19, 1796),

<https://founders.archives.gov/documents/Washington/05-20-02-0440-0002>.

Today, universities are among the Nation’s greatest assets. The United States dominates rankings of the world’s greatest universities,²⁷ and American universities have drawn talent from all over the world. The United States’ count of Nobel Prizes—most of them won by faculty at American universities—exceeds that of the next five countries combined.²⁸

No mere gratuity, the federal government’s support for university research has since World War II reflected a strategic judgment—proven correct by experience—that well-supported university research programs would deliver massive benefits for the United States. *See* Vannevar Bush, *SCIENCE, THE ENDLESS FRONTIER: A REPORT TO THE PRESIDENT* (1945). Columbia, Harvard, and other research universities have competed for and earned federal support by assembling expertise and infrastructure capable of advancing cutting-edge research. Universities provide foundational research that is not provided at scale by any

²⁷ *E.g.*, TIMES HIGHER EDUCATION, *World University Rankings 2025* (16 of top 25 universities located in the U.S.), <https://www.timeshighereducation.com/world-university-rankings/latest/world-ranking>; US News, *Best Global University Rankings* (17 of top 25), <https://www.usnews.com/education/best-global-universities/rankings>.

²⁸ *See Nobel Prizes 2026*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/country-rankings/nobel-prizes-by-country>.

other institutions, including private enterprise. And indeed, the federal government's investment has paid off massively for the country. Since World War II, government-sponsored research has made the United States the world's leader in myriad areas of physical sciences, medicine, technological innovation, and many other domains. Today, "American universities play a pivotal role in fueling innovation, which in turn drives economic growth and raises living standards in the United States."²⁹ "America's network of research universities is one of its greatest sources of talent, entrepreneurship, and research and development—three inputs that in combination can fuel prosperity in the regions that surround those universities."³⁰

A central reason for American universities' dynamism is the Nation's tradition of academic freedom. Distinguished American physicist Alan Lightman recently described this "freedom to express and debate ideas without fear of censorship or reprisal" as "the greatest engine of invention, innovation, and economic prosperity in our nation." He explained:

To name just a few examples: The internet, in the form of the ARPANET, was developed by researchers at UCLA, Stanford, and MIT under the Defense Advanced Research Projects Agency in the late 1960s and '70s. Key concepts and materials for lithium-ion

²⁹ J.H. Cullum Clark et al., *The Innovation Impact of U.S. Universities* (G.W. Bush Inst. 2020).

³⁰ Joseph Parilla and Glencora Haskins, *How Research Universities are Evolving to Strengthen Regional Economies* (Brookings 2023).

batteries were developed at the University of Texas and the University of Oxford. The first artificial heart was developed by Robert Jarvik and colleagues at the University of Utah. Google originated as a research project by Larry Page and Sergey Brin at Stanford. Natural-language processing, neural networks, and deep learning—all fundamental parts of AI—came out of research at MIT, Stanford, Carnegie Mellon, and the University of Toronto. Pivotal work in CRISPR gene editing was done by Jennifer Doudna at UC Berkeley.³¹

And from the social sciences to the creative arts, “intellectual and creative freedom in America has enabled great productivity far beyond the precincts of science and technology.”³² “Academic freedom is what has made America great.”³³

Universities promote individual freedom and community. They are dedicated fora for people to trade ideas and form new connections—and can protect against threats from an encroaching state.³⁴ Universities are “a central part

³¹ Alan Lightman, *The Dark Ages are Back*, THE ATLANTIC (Apr. 30, 2025), <https://www.theatlantic.com/science/archive/2025/04/trump-academic-freedom/682648/>. See *Keyishian v. Board of Regents of University of New York*, 385 U.S. 589, 603 (1967) (referring to academic freedom as “of transcendent value to all of us”); *Sweezy v. State of N.H. by Wyman*, 354 U.S. 234, 261–62 (1957) (Frankfurter, concurring); *StandWithUs Center for Legal Justice v. Massachusetts Institute of Technology*, 158 F.4th 1, 12–13 (1st Cir. 2025), *pet’n for cert pending*, No. 25-1404; see also Walter P. Metzger, ACADEMIC FREEDOM IN THE AGE OF THE UNIVERSITY (1961).

³² Lightman, *The Dark Ages*, *supra* n. 31; see also V. Bush, THE ENDLESS FRONTIER 54 (“The universities are the chief contributors to pure science, for research thrives best in an atmosphere of academic freedom.”).

³³ Lightman, *The Dark Ages*, *supra* n. 31.

³⁴ See Peter Berger and Richard John Neuhaus *Respond*, in TO EMPOWER PEOPLE: FROM STATE TO CIVIL SOCIETY 145, 148 (M. Novak ed., 1996) (discussing “mediating institutions” that “stand between the private world of individuals and the large, impersonal structures of modern society”).

of the infrastructure of free expression,” Paul Horwitz, FIRST AMENDMENT INSTITUTIONS 3 (2013), forming “the scaffolding around which civil society is constructed, in which personal freedoms are exercised, in which loyalties are formed and transformed, and in which individuals flourish.”³⁵

As sources of knowledge-based critiques of the powerful, universities provide a counterweight against overbearing governments. The association between universities and political liberty is suggested by the proclivity of politicians who seek to suppress freedom and democracy to turn against universities:

Attacking universities is a time-worn page in the authoritarian’s playbook, from Benito Mussolini’s extraction of loyalty oaths from university faculty and expulsion of Jews from campuses in the 1920s and ‘30s, to Adolf Hitler’s shuttering of Czechoslovakian universities and his execution of nine students, to the Communist government of Poland’s crackdown on academic freedom in the 1970s that gave rise to a nomadic, underground “flying university” whose faculty and students held clandestine classes in private homes to escape arrest by the secret police.³⁶

³⁵ Richard W. Garnett, *The Story of Henry Adams’s Soul: Education and the Expression of Institutions*, 85 MINN. L. REV. 1841, 1854 (2001).

³⁶ Ronald J. Daniels, WHAT UNIVERSITIES OWE DEMOCRACY 4-5 (2021).

A “similar pattern is playing out today,” in countries around the world where authoritarian leaders have sought to destroy the challenge that intellectual freedom and first amendment institutions present.³⁷ Indeed,

Everything that universities embody is inimical to the autocrat’s interest in the untrammelled exercise of arbitrary public power. They are institutions committed to freedom of inquiry, to the contestation of ideas through conversation and debate, to the formation of communities that gather and celebrate a diverse array of experiences and thought, and to individual flourishing achieved through diligent study. They rest upon a foundation of reliable knowledge and facts, which are antidotes to the uncertainty and dissimulation peddled by authoritarian regimes. They are, to quote William Rainey Harper, the first president of the University of Chicago, an “institution born of the democratic spirit.”³⁸

The Administration’s actions against Harvard are part of a nationwide pattern, an “assault on higher education” that is “without precedent in modern American history.”³⁹ They are anathema to American constitutional law and tradition, and pose grave dangers to institutions and practices central to this

³⁷ See *id.* at 5 (discussing Hungary, Turkey, Russia and Brazil); see also Ruth Ben-Ghiat, *STRONGMEN: MUSSOLINI TO THE PRESENT* 75-76, 88, 182-83 (2021) (discussing attacks on universities in Pinochet’s Chile, Erdogan’s Turkey, and Gaddafi’s Libya).

³⁸ Daniels, *WHAT UNIVERSITIES OWE DEMOCRACY* at 8-9; see also Ronald Daniels, *Why Authoritarian Regimes Attack Independent Universities*, *WASHINGTON POST* (Sept. 28, 2021) (discussing the Taliban’s attack on and takeover of the American University of Afghanistan (AUAF)), <https://www.washingtonpost.com/opinions/2021/09/28/why-authoritarian-regimes-attack-independent-universities/>.

³⁹ Amy Reid et al., *Expanding the Web of Control: America’s Censored Campuses* 2025 (Pen America Jan. 15, 2026), <https://pen.org/report/americas-censored-campuses-25-web-of-control/>.

Nation's flourishing. Allowing such actions to stand would cause enormous further harm to institutions and principles across the country that are integral to American freedom, prosperity, and democracy. The Trump Administration's disregard of constitutional fundamentals requires the strongest rebuke; the preconditions for a free and prosperous society are at stake here.

CONCLUSION

The district court's judgment should be affirmed.

Respectfully submitted,

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 Coleman, Jerry JD (LAW 1993)
 Collins, Joseph J MIA (SIPA 1980), DrPH (GSAS 1984)
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 Conte, Maureen H PhD (GSAS 1989)
 Cook, David BA (CC 1981)
 Cooper, Georgia M. BA (BC 1989)
 Cooper, Richard Allen BA (CC 1976)
 Cooper-Kahn (Cooper), Joyce Anne BA (BC 1976)
 Copeland, Rebecca PhD (GSAS 1986)
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 Coyne, Robert BS (SEAS 1980), PhD (SEAS 2017)
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 Crawford, Thomas PhD (GSAS 1997)
 Creighton, III, John Watson JD (LAW 1993)
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 Danziger, Phoebe BA (CC 2005)
 Das, Jason BA (CC 1999)
 Davies, Rebecca BA (CC 2010)
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 Dixon, Terence Alexander JD (LAW 1993)
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 Hood, Clifton PhD (GSAS 1986)
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 Katz, Noel Charles BA (CC 1982)
 Kausch, Eve Marie Towler BA (BC 2018)
 Kayen, Jacob Silverman BA (CC 2015)
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 Keck, Margaret Elizabeth PhD (GSAS 1986)
 Keen, Ralph BA (CC 1979)
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 Kelly, Louise Price MBA (BUS 1999)
 Kenney, Catherine T. MPA (SIPA 1996)
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 Kerr, Gabriel BA (CC 2012)
 Ketchoyian, Edward BS (SEAS 1982)
 Khandwala, Gopa BA (BC 1985)
 Kiefer, Ulrike PhD (GSAS 1990)
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 Kim, Isabel Arista BA (CC 1990)
 Kim, Linda BA (BC 1995)
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 Kissner, Dana Gleicher BA (BC 1967)
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 Kleeman, Jan BA (GS 1983), JD (LAW 1986)
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 Klein-Pejsova, Rebekah A PhD (GSAS 2007)
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 Kline, Jennie PhD (GSAS 1977), MS (PH 1974)
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 Kolb, Laura E. BA (CC 2003)
 Kolodny, Randy MA (TC 1988)
 Kolodny, Robert Leal PhD (GSAPP 1974)
 Kopp, Ronald John MFA (SOA 1991)
 Koral, Edward S BA (CC 1983)
 Koretz, Richard BA (CC 1975)
 Koss, Juliet BA (CC 1990)
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 Kramer, Jacob BA (CC 1993), MA (GSAS 1998)
 Kramer, Richard A BA (CC 1987)
 Kritis, Kara James PhD (TC 1996)
 Krivoshey, Mira BA (BC 2006)
 Krovoza, Janet D. MS (JRN 1983)
 Kunen, James Simon BA (CC 1970)
 Kurtzman, Laura MS (JRN 1988)
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 Laber-Smith, Rebecca Ann BS (CC 1987)
 Lacoss, Richard Thaddee BA (CC 1959), BS (SEAS 1960)
 Laffin, Christina PhD (GSAS 2005)
 Lahiri, Jhumpa BA (BC 1989)
 Lamarche, Gara BA (CC 1976)
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 Langan, Elizabeth Birch PhD (GSAS 1987)
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 Lankers, Christoph MPhil (GSAS 1991)
 Lanoue, Nancy MIA (SIPA 1976)
 Launay, Robert BA (CC 1970)
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 Leavitt, Jocelyn MBA (BUS 2007)
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 Lee, Donald EdM (TC 1988), EdD (TC 2002)
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 Leibowitz, Michael J BA (CC 1966)
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 Leipziger, Deidre E. MS (JRN 1984)
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 Lerner, Judith Ann MA (GSAS 1966)
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 Levarn, Marc Edward BA (CC 1990)
 Leventer, Margaret BA (BC 1963)
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 Levy, Indra BA (CC 1988), PhD (GSAS 2001)
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 Lewis, Jessica MSSW (SW 2020)
 Lewis, Robin Jared PhD (GSAS 1977)
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 Lok, Dana MFA (SOA 2015)
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School Abbreviations:

BC (Barnard College)
BUS (Graduate School of Business)
CC (Columbia College)
GS (School of General Studies)
GSAPP (Graduate School of Architecture, Planning and Preservation)
GSAS (Graduate School of Arts and Sciences)
JRN (Graduate School of Journalism)
LAW (School of Law)
LS (School of Library Service)
NRS (School of Nursing)
PH (Mailman School of Public Health)
PHRM (College of Pharmaceutical Sciences)
SEAS (Fu Foundation School of Engineering and Applied Science)
SIPA (School of International and Public Affairs)
SOA (School of the Arts)
SPS (School of Professional Studies)
SW (School of Social Work)
TC (Teachers College)
VPS (Vagelos College of Physicians and Surgeons)

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing amicus brief employs 14-point Times Roman font and that the brief, consistent with Fed. R. App. P. 29(a)(5) and 32(a)(7), contains 5,478 words.

/s/ Sean H. Donahue

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2026, I filed the foregoing brief via the Court's electronic filing system, which will provide copies to registered counsel, including counsel of record for the parties.

/s/ Sean H. Donahue