

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

No. 25-2231

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS – HARVARD
FACULTY CHAPTER; AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS; INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,
Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF JUSTICE; LEO TERRELL, in the 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; CRAIG TRAINOR, in the official capacity as
Acting Assistant Secretary for the Office for Civil Rights, U.S. Department of
Education; ELIZABETH MERRILL BROWN, in the official capacity as General
Counsel of the U.S. Department of Education; ROBERT F. KENNEDY, JR., in the
official capacity as the U.S. Secretary of Health and Human Services; MICHAEL
B. STUART, in the official capacity as General Counsel of the U.S. Department of
Health and Human Services; JAYANTA BHATTACHARYA, in the official
capacity as the Director of the National Institutes of Health; EDWARD FORST, in
the official capacity as Administrator of the U.S. General Services Administration;
JOSH GRUENBAUM, in the official capacity as Commissioner of the Federal
Acquisition Service; TODD BLANCHE, in the official capacity as Acting U.S.
Attorney General; LINDA MCMAHON, in the official capacity as the U.S.
Secretary of Education; UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES (HHS); NATIONAL INSTITUTES OF HEALTH; UNITED
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official capacity as Acting Director of NSF; JARED ISAACMAN, in the official
capacity as Administrator of NASA; UNITED STATES DEPARTMENT OF
DEFENSE; UNITED STATES DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT; UNITED STATES DEPARTMENT OF ENERGY; UNITED
STATES NATIONAL SCIENCE FOUNDATION; BROOKE L. ROLLINS, in the
official capacity as Secretary of U.S. Department of Agriculture; UNITED
STATES DEPARTMENT OF AGRICULTURE; SCOTT TURNER, in the official
capacity as Secretary of HUD; NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION; CHRISTOPHER A. WRIGHT, in the official capacity as
Secretary of Department of Energy; PETER B. HEGSETH, in the official capacity
as Secretary of Department of Defense,
Defendants-Appellants.

**MOTION FOR LEAVE TO FILE BRIEF OF
THE LEADERSHIP NOW PROJECT AS *AMICUS CURIAE*
IN SUPPORT OF PLAINTIFFS-APPELLEES AND AFFIRMANCE**

Pursuant to Federal Rules of Appellate Procedure 27 and 29(a)(2)–(3), the Leadership Now Project (“Leadership Now”) respectfully moves for leave to file the accompanying *amicus curiae* brief in Support of Plaintiffs-Appellees and Affirmance.

INTEREST OF *AMICUS CURIAE*

1. Leadership Now is a national membership organization of business leaders committed to ensuring that the United States has a strong democracy and economy. Leadership Now supports a set of core principles that includes defending the rule of law, increasing competitiveness in the political system to improve the quality of governance, supporting civic participation, and planting seeds for longer-term national growth and prosperity. Preserving responsive, democratic government is critical to the American economy and touches the lives of all Americans. Leadership Now’s submission is informed by the collective experience of its members as business leaders and their collective interest in preserving American economic innovation and the rule of law.

2. This case involves an unprecedented and punitive campaign against Harvard University, in which the Federal Government is withholding billions of

dollars in federal research funding based on allegations of antisemitism and viewpoint discrimination.

3. The Administration's actions are unconstitutional and otherwise illegal, and they threaten to destroy the enormously productive relationship between the government and academia which has helped make the United States' economy the largest on Earth and its academic institutions the envy of the world. As a result of the Administration's actions, Plaintiffs-Appellees face intolerable threats to the academic freedom of the University and its faculty, students, administrators, and staff, which threats could in turn degrade the quality of federally funded research at Harvard and other universities and deprive the nation of the benefits of future scientific discoveries and innovations.

4. As an organization of business leaders, Leadership Now is in a unique position to explain the chilling effect and other detrimental impacts that the Administration's actions will have on technological and scientific innovation, threatening the American economy and ceding U.S. leadership in these areas to global rivals.

5. Leadership Now confirms that its proposed *amicus* brief will not exceed this Court's 15-page limit.

CONCLUSION

For the foregoing reasons, Leadership Now respectfully requests leave to file an *amicus* brief in support of Plaintiffs-Appellees and affirmance.

Dated: July 22, 2026

Respectfully submitted,

/s/ P. Benjamin Duke

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2). This motion contains 385 words.

This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in 14-point Times New Roman font using Microsoft® Word for Microsoft 365 MSO (Version 2605 Build 16.0.20026.20166).

Dated: July 22, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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official capacity as the U.S. Secretary of Health and Human Services;

(Caption continued on inside cover)

Defendants-Appellants.

On Appeal from the United States District Court for the District of Massachusetts;
Judge Allison D. Burroughs, Case No. 1:25-cv-10910-ADB

**BRIEF OF *AMICUS CURIAE* THE LEADERSHIP NOW PROJECT
IN SUPPORT OF PLAINTIFFS-APPELLEES AND AFFIRMANCE**

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Defendants-Appellants.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, *Amicus Curiae* the Leadership Now Project certifies that it is a non-profit corporation with no parent corporation and that no public company owns any interest in it.

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INTEREST OF *AMICUS CURIAE*¹

Leadership Now Project (“Leadership Now”) is a national membership organization that is committed to protecting democracy as a foundation for political stability and a thriving economy. Leadership Now supports a set of core principles that includes defending the rule of law, increasing competitiveness in the political system to improve the quality of governance, supporting civic participation, and planting seeds for longer-term national growth and prosperity. Preserving responsive, democratic government is critical to the American economy and touches the lives of all Americans. Leadership Now’s submission is informed by the collective experience of its members as business leaders, who include senior business executives across more than 25 states in industries including financial services, consumer products, technology, manufacturing, and healthcare, and their collective interest in fostering American economic innovation and protecting the rule of law.

INTRODUCTION

Since World War II, the engine of American business innovation and global competitiveness has been turbo-charged by the American people’s steadfast, bipartisan investment in federal funding of independent research in basic science and

¹ *Amicus curiae* moved for leave to file this brief. *See* Fed. R. App. P. 29(a)(3). No party or its counsel authored this brief in whole or in part. No entity or person—other than *amicus curiae*, its members, and its counsel—made any monetary contribution intended to fund the preparation or submission of this brief.

technology through our nation’s unparalleled university system. Congress structured Title VI of the Civil Rights Act of 1964 to guarantee the independence of federally funded research and ensure that universities and other private contractors could count on the federal government as a reliable business partner in implementing these major investments. *See* 42 U.S.C. § 2000d-1. Title VI established in statute a core principle of American governance enshrined in the First Amendment, which prohibits the federal government from conditioning its benefits on content-based requirements that encroach on private universities’ academic freedom of expression. For decades, the path-breaking advances in science, technology, and other fields generated by federally funded university research have fueled private business research and development (“R&D”), supported American prosperity, and produced incalculable benefits for all Americans.

In the present case, the very future of this system is at stake. The government’s abrupt cancellation of billions of dollars in federal research funding—without legitimate cause and in stark violation of Harvard University’s and Appellees’ procedural rights—undermines a system that for decades has brought incalculable benefits to Americans and the world alike. The government’s overreaching demands amounted to an attempted takeover, including, *inter alia*, submission to the Administration’s control of Harvard’s academic programs and its hiring and admissions practices. *See President & Fellows of Harvard Coll. v. United States*

Dep't of Health & Hum. Servs., 798 F. Supp. 3d 77, 137 (D. Mass. 2025). As the District Court correctly concluded, these cancellations are unconstitutional and otherwise illegal as a matter of law. *Id.* at 137–38. They violate the First Amendment, which prohibits governmental “interfer[ence] with private actors’ speech to advance its own vision of ideological balance.” *Moody v. NetChoice, LLC*, 603 U.S. 707, 741 (2024).² Moreover, they completely disregard the government’s statutory obligations under Title VI, which impose extensive procedural requirements before “terminating, or refusing to grant or continue” federal funding. *See* 45 C.F.R. § 80.2 (HHS and NIH); 45 C.F.R. § 611.1 (NSF); 32 C.F.R. § 195.1 (DoD).³

The government’s violations of the First Amendment and disregard of well-established law would cause grave harm to Harvard and its faculty, staff, students, and administrators, while causing severe economic damage far beyond Harvard alone. As the District Court aptly observed, this case implicates “the future of grants sponsoring research that promises to benefit significantly the health and welfare of

² *See also President & Fellows of Harvard Coll.*, 798 F. Supp. 3d at 123 (“[T]he administrative record, standing alone, is more than sufficient to demonstrate that Defendants impermissibly retaliated against Harvard for refusing to capitulate to the government’s demands. Plaintiffs are thus entitled to summary judgment on their First Amendment claims.”).

³ *See also id.* at 126 (“It is undisputed that Defendants did not comply with [Title VI’s] requirements before issuing the Freeze Orders or Termination Letters [. . .] [T]o the extent Defendants were required to comply with Title VI, Plaintiffs are indisputably entitled to summary judgment[.]”).

our country and the world.” *President & Fellows of Harvard Coll.*, 798 F. Supp. 3d at 136. Absent a ruling by this Court upholding the District Court’s injunction, all universities (not just Harvard) will face intolerable threats to their academic freedom that could in turn deprive the nation of the benefits of future scientific discoveries and innovations. Other universities are already in the crosshairs: A senior Justice Department official has declared that the University of California system should expect “massive lawsuits,” and the Administration—if unchecked by this Court—has other universities “on the East Coast, on the West Coast, in the Midwest” in its sights.⁴ Leadership Now respectfully submits this *amicus* brief to urge this Court to affirm the District Court’s determination in Appellees’ favor and enjoin the government from implementing its unconstitutional and unlawful actions.

ARGUMENT

I. The Administration’s Arbitrary Cancellations of Harvard’s Contracts Would Hurt America’s Economy and Undercut Our Global Leadership and Competitiveness.

Although this nation accounts for less than five percent of the world’s population, the United States is the largest performer of R&D, spending \$806 billion—or 3.5% of its gross domestic product—on R&D in 2021.⁵ From 2011 to

⁴ Akayla Gardner & Maxwell Adler, *University of California Is Next Target of Trump’s Antisemitism Probe*, BLOOMBERG (May 27, 2025), <https://www.bloomberg.com/news/articles/2025-05-27/university-of-california-next-target-of-trump-s-antisemitism-probe>.

⁵ Science & Eng’g Indicators, *The State of U.S. Science and Engineering 2024*, at 2 (Mar. 13, 2024), <https://ncses.nsf.gov/pubs/nsb20243/assets/nsb20243.pdf>.

2021, the U.S. government funded over 50 percent of R&D conducted at institutions of higher education, including Harvard.⁶ In turn, the pipeline of federal government funding for university research has fed a symbiotic relationship with American businesses, whose own R&D draws on advances in scientific and technical knowledge incubated in universities to develop cutting-edge new products and technologies. Over the last several decades, this dynamic partnership of government, universities, and the private sector has transformed the U.S. into a juggernaut in fields such as technology, engineering, medicine, and biotech.⁷ The result has been “decades of innovation, economic growth and military advances.”⁸

While American businesses invest heavily in R&D, the federal government—sustained by longer time horizons, broad bipartisan commitment to the advancement of scientific knowledge, and the absence of quarterly pressure to demonstrate investment returns—is uniquely capable of making long-term investments in fundamental scientific research and realizing the societal benefits of such research across a broad array of fields. In contrast, R&D in the business sector focuses most of its activity on product development and applied research that translates directly

⁶ Gardner & Adler, *supra* note 4.

⁷ First Amended Complaint ¶ 44, *President & Fellows of Harvard Coll.*, *supra* note 2.

⁸ James Glanz, *World Scientists Look Elsewhere as U.S. Labs Stagger Under Trump Cuts*, N.Y. TIMES (May 31, 2025), <https://www.nytimes.com/2025/05/31/world/asia/us-science-cuts.html>.

to new and improved goods, services, and processes.⁹ In the biomedical field, for example, scientific discoveries may not become commercially profitable for decades. A 2018 analysis of the 28 most important drugs approved by the Food and Drug Administration (“FDA”) found that on average, it took more than *30 years* for a basic discovery made in a lab to become an FDA-approved drug.¹⁰ In the throes of the COVID-19 pandemic, companies like Moderna, Pfizer, and Johnson & Johnson were able to draw on decades of accumulated academic knowledge in different fields to develop the safe, highly effective mRNA vaccines that were critical to stemming the tide of infection.¹¹ These vaccines are credited with having saved more than three million American lives.¹²

Without federal funding of basic research, the benefits of these vaccines and countless other scientific discoveries would not have been realized. Federally funded academic research has been instrumental in developing life-changing products, including supercomputers, artificial intelligence, speech recognition, the internet,

⁹ Science & Eng’g Indicators, *supra* note 5, at 18.

¹⁰ Jonathan Spector et al., *Fundamental Science Behind Today’s Important Medicines*, 10 SCI. TRANSLATIONAL MED. 1 (2018).

¹¹ Philip Barrett et al., *Why Basic Science Matters for Economic Growth*, IMF BLOG (Oct. 6, 2021), <https://www.imf.org/en/blogs/articles/2021/10/06/blog-ch3-weo-why-basic-science-matters-for-economic-growth>.

¹² Brad Dress, *COVID Vaccines Saved 3.2 Million U.S. Lives, Researchers Say*, THE HILL (Dec. 13, 2022), <https://thehill.com/policy/healthcare/3773239-covid-vaccines-saved-3-2-million-us-lives-researchers-say/>.

smart phones, seismic imaging, LED lights, medical diagnostics, and advanced prosthetics.¹³ These innovations and other breakthroughs have demonstrable economic benefits: studies repeatedly show, across countries and across economies, that public spending on R&D generates a higher multiplier effect on both GDP and follow-on business R&D than other forms of fiscal spending.¹⁴ The wide-ranging arbitrary cuts that the Administration has made to Harvard’s funding—which include myriad defense-related contracts among many other areas—undermine the U.S.’s military preparedness on the world stage, the U.S. economy’s fundamental strength, and its capacity for innovation.

The Administration’s regressive attack on Harvard’s federal funding comes at the worst possible time, when the American ascendancy in science and technology is increasingly challenged by other nations, especially China. Over the last decade, the U.S. has seen increased global competition: the “age of American unipolarity” that followed the collapse of the Soviet Union in the 1990s is over.¹⁵ Since 2016,

¹³ Michael Collins, *Declining Federal Research Is Hurting U.S. Innovation*, MANUFACTURING.NET (July 12, 2023), <https://www.manufacturing.net/technology/blog/22867199/declining-federal-research-is-hurting-us-innovation>.

¹⁴ See Giovanna Ciaffi et al., *Measuring the Macroeconomic Response to Public Investment in Innovation: Evidence from OECD Countries*, 33 INDUS. & CORP. CHANGE 363, 366 (2024) (collecting studies).

¹⁵ G. John Ikenberry, *Power and Liberal Order: America’s Postwar World Order in Transition*, 5 INT’L REL. ASIA-PAC. 133, 133 (2005).

China has surpassed the U.S. as the top producer of science and engineering (“S&E”) research articles.¹⁶ From 2003 to 2022, annual S&E publications increased by roughly a third in the U.S., whereas they increased approximately 10-fold in China and 8-fold in India.¹⁷ Similarly, although the U.S. had twice as many international patent applications as China in 2015, China surpassed the U.S. for the first time in 2021.¹⁸

The government’s attempt to punish Harvard by canceling research funding, and subsequent attempts to do the same across higher education, would enable competing nations to poach America’s top scientists and researchers.¹⁹ Already, other nations are increasing their budgets and creating programs to attract American researchers and academics that are being pushed out by the Administration.²⁰ In March 2025, the Australian Strategic Policy Institute declared that the Administration’s open hostility towards academia is a “once-in-a-century brain gain

¹⁶ Science & Eng’g Indicators, *supra* note 5, at 22.

¹⁷ *Id.*

¹⁸ *Id.* at 24.

¹⁹ Glanz, *supra* note 8.

²⁰ Patricia Cohen, *The World Is Wooing U.S. Researchers Shunned by Trump*, N.Y. TIMES (May 14, 2025), <https://www.nytimes.com/2025/05/14/business/economy/trump-research-brain-drain.html>.

opportunity” for U.S. competitors.²¹ In early May 2025, shortly after the Administration withdrew federal funding from Harvard, the European Union announced it would spend an additional 500 million euros over the next two years to “make Europe a magnet for researchers.”²² In direct response to the Administration’s actions, the European Research Council has seen the number of U.S.-based applicants for early-career grants rise nearly threefold, from 60 in 2024, to 116 in 2025, to 169 in 2026.²³ China, for its part, has established a fast-track relocation program for scientists who have lost funding from the U.S. National Institutes of Health, where the Trump administration has frozen or canceled nearly 6,000 research grants.²⁴

Retraction of federal funding for university-based research will also result in a smaller pool of American-trained talent for U.S. private employers to hire, leading to fewer technological innovations, fewer scientific breakthroughs, and fewer

²¹ Danielle Cave, *As Trump Sacks Scientists, Australia Should Hire Them. U.S. Drain Is Our Brain Gain*, AUSTL. STRATEGIC POL’Y INST. (Mar. 7, 2025), <https://www.aspistrategist.org.au/as-trump-sacks-scientists-australia-should-hire-them-us-drain-is-our-brain-gain/>.

²² Cohen, *supra* note 20.

²³ Andrew Joseph, *Amid Talk of a Brain Drain, Some Scientists Leave U.S. Behind*, STATNEWS (Dec. 17, 2025), <https://www.statnews.com/2025/12/17/research-cuts-fuel-scientific-brain-drain-american-science-shattered/>.

²⁴ Vivienne Walt, *Trump Slashed Science Funding. Now the U.S. Could Face a Costly Brain Drain*, N.Y. TIMES (Apr. 4, 2026), <https://www.nytimes.com/2026/04/04/business/dealbook/trump-brain-drain-academia.html>.

improvements in the lives and health of Americans. Federal funding supports the training of scientists, doctors, engineers, economists, and other professionals—who often later become entrepreneurs and business leaders. For example, the medical-scientist training program (“MSTP”) run by the National Institutes of Health (“NIH”) funds MD-PhD education programs to produce top medical and pharmaceutical leaders.²⁵ Since the program’s inception in 1964, over 10,000 students have received MSTP support, creating “prominent leaders in many biomedical research fields.”²⁶ Indeed, businesses owned or operated by members of Leadership Now regularly hire university-trained research talent and depend on their expertise for the success of these businesses’ in-house R&D. By cutting federal funding essential to sustaining a robust university research environment at Harvard and elsewhere, the Administration is depleting the next generation of scientific talent, charting a course toward American economic weakness and stagnation, and leaving the American public far worse off.

The uncertainty created by the Administration’s arbitrary actions has already had material negative consequences on America’s research base. As the Brennan Center for Justice has reported, “Universities are already responding to uncertainty

²⁵ *Institutional Dual-Degree Clinician-Scientist Training Program: MSTP*, NIH (May 27, 2026), <https://www.nigms.nih.gov/training/instpredoc/Pages/MSTP-and-LEAD-MSTP>.

²⁶ Clifford Harding et al., *History and Outcomes of Fifty Years of Physician-Scientist Training in Medical Scientist Training Programs*, 92 ACAD. MED. 1, 1 (2017).

around the future of American scientific funding by rethinking how many early-career scientists they can support.”²⁷ In biology alone, both MIT and Duke cut admissions to PhD programs by 20 percent.²⁸ Unless the government’s unconstitutional and illegal conduct is enjoined, the negative consequences will only worsen.

II. The Administration’s Assault on Academic Freedom Violates the First Amendment and Threatens to Weaken the Quality of University Research and Undermine the American Economy.

The principle of academic freedom is a central pillar of the protections afforded by the First Amendment. *See Regents of Univ. of Mich. v. Ewing*, 474 U.S. 214, 226 n.12 (1985). Academic freedom encompasses the free exchange of ideas on campus as well as a fundamental guarantee of “autonomous decisionmaking by the academy itself.” *Id.*; *see also Hosty v. Carter*, 412 F.3d 731, 736 (7th Cir. 2005) (“[A]cademic freedom includes the authority of the university to manage an academic community and evaluate teaching and scholarship free from interference by other units of government[.]”). The First Amendment’s protection against partisan or other content-based interference in academic research is critical both to the freedom of such research, and to its consequent high quality. American

²⁷ Mark Krass & Ames Grawert, *The Cost of the Trump Administration’s Attacks on Research Funding*, BRENNAN CTR JUST. (May 14, 2026), <https://www.brennancenter.org/our-work/research-reports/cost-trump-administrations-attacks-research-funding>.

²⁸ *Id.*

businesses—and the American economy and society as a whole—draw sustenance from federally funded scientific, technological, and other research in the U.S. due not only to its abundance, but also to its *excellence*.

The government’s demands to essentially take over the ideological content and composition of Harvard’s university-wide programs—and their peremptory cancellation of federally funded research contracts in retaliation for Harvard’s refusal to succumb to those demands—spell disaster for the quality of research conducted at Harvard and other U.S. universities. This threat is not hypothetical. Recent scholarship has demonstrated a positive relationship between academic freedom and research production and quality as measured by the number of science, technology, engineering, and mathematics (“STEM”) publications in seventeen OECD countries. A mere one-point increase in measured levels of academic freedom was correlated with a seven percent increase in STEM publication volume and a 15 percent increase in that country’s number of STEM publications in top-ranked academic journals.²⁹ Academic freedom in America is a key reason why the U.S. has been ranked as the best country in the world for scientific research.³⁰ And it is no

²⁹ Frank Fernandez, Volha Chykina & Yin Chun Lin, *Science at Risk? Considering the Importance of Academic Freedom for STEM Research Production Across 17 OECD Countries*, 19 PLoS ONE 9 (2024), <https://doi.org/10.1371/journal.pone.0298370>.

³⁰ Oluwatoni Olujinmi, *The 10 Best Countries for Scientific Research in 2023*, WORLD EXCELLENCE (Nov. 25, 2023), https://www.worldexcellence.com/best-countries-for-scientific-research-in-2023/#google_vignette.

coincidence that, as of 2024, more than 42 percent of all Nobel prizes in the sciences have been awarded to scientists from the U.S., second to none.³¹

Since the end of World War II, the federal government’s adherence to the principle of non-interference with academic freedom has ensured that universities can pursue groundbreaking research without fear of partisan or other unwarranted government intrusion. That respect for academic freedom ensures that the quality of potentially life-changing research is not tainted by ideological or political bias. Title VI affords the government necessary and appropriate supervision over university recipients’ performance under their federally funded contracts and compliance with contractual and statutory requirements. *See* 42 U.S.C. § 2000d-1 (setting forth detailed procedures for termination or suspension of funding). But it could not be clearer under Title VI that any withdrawal of funding “shall be limited in its effect *to the particular program, or part thereof*, in which such noncompliance has been so found.” *Id.* (emphasis added). Moreover, the federal government is prohibited from effecting any such termination or suspension without (1) notice to the recipient; (2) an opportunity for voluntary compliance; (3) an opportunity for a hearing, *followed by an express finding on the record after such hearing*; and—perhaps most notably—(4) a written report to the appropriate committees in Congress. *Id.*

³¹ *Science Nobel Prizes by Nation*, AREPPIM (May 27, 2026), https://stats.areppim.com/stats/stats_nobelhierarchy.htm.

The deliberately circumscribed powers of the federal government to intervene in the affairs of the academy under Title VI reinforce universities' First Amendment rights and provide a statutory bulwark preserving their academic freedom. Yet, even while referring to the applicability of Title VI (42 U.S.C. § 2000d-1), the government made no pretense of complying with its strict procedural requirements in this case. To the contrary, the government failed to allege, much less demonstrate, any connection whatsoever between its asserted concerns at Harvard and any one of the hundreds of Harvard's federal research contracts in myriad different fields that it slashed with no rhyme or reason. The government repeatedly asserted that Harvard's federal contracts no longer fulfill "agency priorities" while entirely ignoring that this putative rationale has no statutory basis except "to the extent [allowed] by law"—including Title VI. *President & Fellows of Harvard Coll.*, 798 F. Supp. 3d at 99–100. Whatever the extent of Harvard's acknowledged challenges with regard to antisemitism or viewpoint diversity may be (an issue on which *Amicus* here expresses no view), any lawful impact on a federally funded contract subject to Title VI plainly must be limited to each "particular program, or part thereof," based on particularized proof of wrongful discrimination in each program affected. The record is devoid of any such proof, let alone compliance with the due process requirements imposed under Title VI. As the District Court found, "[t]he idea that fighting antisemitism is Defendants' true aim is belied by the fact that the majority of the

demands they are making of Harvard to restore its research funding are directed, on their face, at Harvard's governance, staffing and hiring practices, and admissions policies—all of which have little to do with antisemitism and everything to do with Defendants' power and political views.” *Id.* at 137.

The government's attempts to coerce Harvard to conform to its ideological preferences as a condition of receiving critical research funding fundamentally undermines the unbiased pursuit of truth that is the bedrock of academic research. If unchecked, the Administration's actions would insinuate bias and fear of arbitrary retaliation into every federally funded research program at Harvard and any other university that might fall out of favor with the Administration. The government's actions here, in addition to violating Harvard's rights, fundamentally threaten the academic freedom that has enabled universities to help make the U.S. a dominant technological and scientific force for decades. The American economy, the businesses that rely upon the system of federally funded research, and the American people as a whole will suffer harm as a result. This unconstitutional and unlawful assault on academic freedom should not be permitted to stand.

CONCLUSION

For the reasons explained above, *Amicus* Leadership Now respectfully submits that this Court should affirm the District Court's ruling and injunction in favor of Appellees.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify that this brief complies with the type-volume limitations of Fed. R. App. P. 29(a)(5) and 32(a)(7)(B) because it contains 3,352 words, excluding the parts exempted by Fed. R. App. P. 32(f). I further certify that this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft® Word for Microsoft 365 MSO (Version 2605 Build 16.0.20026.20166) in 14-point Times New Roman font.

Dated: July 22, 2026

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