

No. 25-1627

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

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Plaintiff-Appellee,

v.

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY; KRISTI
NOEM, in the official capacity as Secretary of the United States
Department of Homeland Security; UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT; TODD LYONS, in the official capacity
as Acting Director of United States Immigration and Customs
Enforcement; STUDENT AND EXCHANGE VISITOR PROGRAM; JOHN
DOE, in the official capacity as Director of the Student and Exchange
Visitor Program; JAMES HICKS, in the official capacity as Deputy
Assistant Director of the Student and Exchange Visitor Program; UNITED
STATES DEPARTMENT OF JUSTICE; PAMELA BONDI, in the official
capacity as Attorney General of the United States; UNITED STATES
DEPARTMENT OF STATE; MARCO RUBIO, in the official capacity as
Secretary of the United States Department of State,**
Defendants-Appellants.

On Appeal from the United States District Court
for the District of Massachusetts (Case No. 25-cv-11472-ADB)

**BRIEF OF AMERICAN HISTORICAL ASSOCIATION AND
SEVENTEEN ADDITIONAL SCHOLARLY GROUPS AS *AMICI
CURIAE* IN SUPPORT OF PLAINTIFF-APPELLEE
AND AFFIRMANCE**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, each of the *amici curiae*—the American Historical Association; American Council of Learned Societies; Association for Slavic, East European, and Eurasian Studies; Association for Spanish and Portuguese Historical Studies; Berkshire Conference of Women Historians; Business History Conference; Conference on Asian History; French Colonial Historical Society; Labor and Working-Class History Association; LGBTQ+ History Association; National Council on Public History; North American Conference on British Studies; Organization of American Historians; Society for Historians of the Gilded Age and Progressive Era; Society of Architectural Historians; Western History Association; Western Society for French History; and World History Association—certifies that it does not have any parent corporation and that no publicly held corporation owns 10% or more of its stock.

Dated: December 22, 2025

Respectfully submitted,

/s/ Yoseph T. Desta

YOSEPH T. DESTA

Counsel for Amici Curiae

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INTEREST OF *AMICI CURIAE* AND INTRODUCTION¹

The American Historical Association (“AHA”) is the world’s largest professional organization devoted to the study and promotion of history and historical thinking. It is a nonprofit membership organization, founded in 1884 and incorporated by Congress in 1889. It has over 10,500 members, many of whom are history faculty and graduate students at U.S. colleges and universities. The AHA provides leadership to the discipline on issues such as academic freedom, professional standards, and the centrality of history to public culture. The Addendum lists seventeen additional *amici* scholarly groups representing history scholars and students.

Amici have long championed scholarly exchanges between the U.S. and other countries. They have recognized that the free exchange of ideas—including those made possible when individuals cross borders to research, teach, and study at academic institutions—enables scholarly work to flourish. Moreover, *amici* are part of the community of historians

¹ All parties have consented to this brief. No counsel for any party authored this brief in whole or in part, and no person other than *amici* or their counsel made a monetary contribution to its preparation or submission.

in the U.S. that benefits from foreign scholars and students coming to our schools. And these foreign individuals are an integral part of *amici*'s communities; for example, some are full or honorary AHA members.

Accordingly, *amici* are committed to supporting foreign scholars and students and the U.S. academic institutions at which they research, study, and teach, such as Harvard University.² *Amici* therefore submit this brief in support of Harvard. For three reasons, this Court should rule in Harvard's favor and reject the Trump administration's efforts to restrict Harvard in its ability to host foreign scholars and students.

First, there is a celebrated tradition of cross-border scholarly exchanges. Higher education institutions in many nations have long encouraged the free flow of scholars and students based on the understanding that no single country has access to all human knowledge. U.S. colleges and universities, as well as the federal government, have wisely recognized this fundamental truth and for decades reaped the

² See AHA, *Resources for Foreign Scholars*, <https://www.historians.org/why-history-matters/aha-advocacy/resources-for-foreign-scholars/>; AHA, *Advocacy Guide for International Education*, <https://www.historians.org/why-history-matters/your-voice-matters/advocacy-guide-for-international-education/> [hereinafter *Advocacy Guide*]. Where available, links to archived versions of online sources, captured December 11-21, 2025, appear in the Table of Authorities.

many economic, political, and social rewards that flow from the best and brightest coming to our campuses. *Second*, the Trump administration casts aside these contributions in its attack on Harvard, targeting foreign scholars and students there based not on any legitimate reason but on a desire to punish them for their country of origin or their views, and to punish Harvard for its own views and openness to competing ideas and narratives on its campus. *Third*, these facts support the district court’s conclusion that the administration has violated the First Amendment.

ARGUMENT

I. Foreign Scholars and Students Are Integral to U.S. Higher Education and Our Country

Higher education is “characterized by the spirit of free inquiry.” *Sweezy v. New Hampshire*, 354 U.S. 234, 262 (1957) (Frankfurter, J., concurring) (citation omitted). That free inquiry has long thrived because of, and depended on, cross-border scholarly exchanges. “The pursuit of learning beyond the boundaries of one’s own community, nation, or culture is as old as learning itself,” driven by the common understanding

that one of education’s “logical function[s]” is the “cross-fertilization of ideas between the many cultures of mankind.”³

Institutions of higher learning have welcomed scholars and students from other countries for millennia. In antiquity, leading schools and knowledge centers—from Plato’s Academy to the great Museum and Library at Alexandria—attracted scholars and students from far and wide.⁴ In the High Middle Ages, the University of Bologna—the first university in the Western world—developed into a center for higher learning as individuals across Europe traveled there to study law.⁵ But these travelers “were in a precarious legal situation”—for example, their property could be seized to satisfy others’ debts and they were subject to harsher laws and abuse as noncitizens.⁶

³ Teresa Brawner Bevis & Christopher J. Lucas, *International Students in American Colleges and Universities: A History* 1 (2007) (citations omitted).

⁴ *Id.* at 13-17.

⁵ Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* 122-26 (1983); Hilde de Ridder-Symoens, ed., *A History of the University in Europe, Volume I: Universities in the Middle Ages* 5-6, 11-12, 282 (1992).

⁶ *Berman, supra* n.5, at 123; see Hastings Rashdall, *The Universities of Europe in the Middle Ages* 150-51 (F. M. Powicke & A. B. Emden eds., 1936); Charles Homer Haskins, *The Rise of Universities* 13-14 (1923).

To safeguard foreign nationals from reprisal, facilitate their studies, and encourage the spread of higher learning, Holy Roman Emperor Frederick I issued the *Authentica Habita* in 1158, which guaranteed individuals freedom of movement for the purposes of study and other privileges and immunities.⁷ The University of Bologna flourished thereafter.⁸ From Paris to Timbuktu to Cairo, other schools and their national leaders followed suit; they too attracted foreign talent and cemented their roles as global learning centers.⁹ One modern-day

⁷ Ridder-Symoens, *supra* n.5, at 12, 78; Pearl Kibre, *Scholarly Privileges in the Middle Ages: The Rights, Privileges, and Immunities, of Scholars and Universities at Bologna, Padua, Paris, and Oxford* 9-12, 325 (1962).

⁸ See Berman, *supra* n.5, at 122-23; Ridder-Symoens, *supra* n.5, at 12, 40, 48-50, 52, 189, 199; Haskins, *supra* n.6, at 30.

⁹ See, e.g., La Chancellerie des Universités de Paris, *The Sorbonne in the Middle Ages*, <https://www.sorbonne.fr/en/the-sorbonne/history-of-the-sorbonne/la-fondation-de-la-sorbonne-au-moyen-age-par-le-theologien-robert-de-sorbon/>; Libr. of Cong., *Timbuktu: An Islamic Cultural Center*, <https://www.loc.gov/collections/islamic-manuscripts-from-mali/articles-and-essays/timbuktu-an-islamic-cultural-center/>; Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* 89, 91-92, 113 (1992); Ridder-Symoens, *supra* n.5, at 12-13, 55-58, 94-97, 152, 188-90, 199, 282-85, 290-99, 364-65, 389-90 (discussing European universities); Hilde de Ridder-Symoens, ed., *A History of the University in Europe, Volume II: Universities in Early Modern Europe* 144-45, 148-49, 229, 231, 305, 416-18, 421-24, 426-31, 439-42 (1996) [hereinafter Ridder-Symoens Vol. II] (similar); David de la Croix et al., *The Academic Market and the Rise of Universities in Medieval and Early Modern Europe (1000–1800)*, 22 J. Eur. Econ. Ass'n

exemplar of foreign recruitment is the University of Oxford's Rhodes Scholarship. Since 1902, the program has funded graduate study for "young leaders from around the world" so that, "through the pursuit of education together at Oxford, [they] w[ill] forge bonds of mutual understanding and fellowship for the betterment of mankind."¹⁰

U.S. higher education has followed in this venerable tradition. American colleges and universities have long welcomed and benefited from cross-border scholarly exchanges. From the nation's early years through the nineteenth century, these exchanges were largely informal and one-way, with Americans pursuing advanced training and study at foreign institutions.¹¹ But some U.S. schools recruited a small number of

1541 (2024), <https://academic.oup.com/jeea/article/22/4/1541/7438871> (empirically analyzing scholarly migrations across Europe). The history of cross-border scholarly exchanges is not linear, however; there were notable periods when universities and leaders eschewed them. See Ridder-Symoens, *supra* n.5, at 40, 285-90, 302, 430; Ridder-Symoens Vol. II, *supra*, at 226, 229-30, 419-21, 425, 427, 437, 442-44.

¹⁰ Rhodes Tr., *History of the Rhodes Scholarship*, <https://www.rhodeshouse.ox.ac.uk/scholarships/history-of-the-rhodes-scholarship/>.

¹¹ Bevis & Lucas, *supra* n.3, at 31, 34; Laurence R. Veysey, *The Emergence of the American University* 125-30 (1965); William W. Hoffa, *A History of U.S. Study Abroad: Beginnings to 1965*, at 25-26, 30-34 (2007).

European scholars to join their faculty.¹² And they attracted some foreign students as well.¹³ As U.S. colleges and universities rose in reputation—in no small part because of their faculty trained abroad—they engaged in more formal and robust efforts to draw foreign talent.

For example, at the start of the twentieth century, Harvard and Columbia University established the first official American professor exchanges with European counterparts.¹⁴ Following World War I, several U.S. colleges and universities created formal exchange programs for students to study abroad,¹⁵ and they likewise began welcoming increasing numbers of foreign students.¹⁶ In the lead-up to and duration

¹² Juan Siliezar, *The Long, Deep Ties Between Harvard and Germany*, Harv. Gazette (May 21, 2019), <https://news.harvard.edu/gazette/story/2019/05/the-deep-connections-between-harvard-and-germany/>; Philip Alexander Bruce, *History of the University of Virginia 1819–1910, Volume I*, at 335-41, 356-74 (1920).

¹³ Bevis & Lucas, *supra* n.3, at 61.

¹⁴ Tomás Irish, *From International to Inter-allied: Transatlantic University Relations in the Era of the First World War, 1905–1920*, 13 J. Transatlantic Stud. 311, 313 & n.16 (2015).

¹⁵ Hoffa, *supra* n.11, at 69-101.

¹⁶ Bevis & Lucas, *supra* n.3, at 60-64, 79-80, 93; *Exchange Rates: A History of International Students in the U.S.*, Wall St. J. (Mar. 14, 2016), <https://www.wsj.com/video/exchange-rates-a-history-of-international-students-in-the-us/BB681A06-E345-4232-848E-68445B9F8CE6>.

of World War II, many European scholars fleeing totalitarian regimes found academic homes at U.S. colleges and universities.¹⁷ A number contributed to the war effort, including the Manhattan Project.¹⁸ In the postwar era, the number of foreign scholars and students in the U.S. exploded as the country became the dominant political and higher education leader on the global stage.¹⁹

The federal government has historically endorsed and facilitated scholarly exchanges. For example:

- **Boxer Program:** In 1908, at President Theodore Roosevelt's urging, Congress created the Boxer Indemnity Scholarship Program.²⁰

¹⁷ Lewis A. Coser, *Refugee Scholars in America: Their Impact and Their Experiences* (1984); Bevis & Lucas, *supra* n.3, at 102.

¹⁸ Laura Fermi, *Illustrious Immigrants: The Intellectual Migration from Europe, 1930–41*, at 121 (1968); Nat'l Acads. of Scis., Eng'g & Med., *International Talent Programs in the Changing Global Environment* 19 (2024), <https://www.nationalacademies.org/publications/27787> [hereinafter *International Talent*].

¹⁹ Nat'l Sci. Bd., *Report of the NSB Committee on Foreign Involvement in U.S. Universities* 1-3 (1989), <https://nsf-gov-resources.nsf.gov/nsb/publications/1989/nsb0089.pdf>; Liping Bu, *Making the World Like Us: Education, Cultural Expansion, and the American Century* 144-74, 181-215, 221-43 (2003); Jonathan R. Cole, *The Great American University*, 64 Bull. Am. Acad. Arts & Scis. 27 (2011), <https://www.jstor.org/stable/41149417>.

²⁰ H.R. Doc. No. 60-1275, at 6-7 (1909).

Through the 1920s, the program enabled 1,300 Chinese students to study at American colleges and universities; many became “China’s major modern educators and scholars” and promoted modernization and American influence in the country.²¹

- **Fulbright Program:** In 1946, Congress created the Fulbright Program to fund the “promotion of international good will through the exchange of students in the fields of education, culture, and science.”²² The program enables approximately 800 U.S. scholars and 2,000 U.S. students to study, conduct research, and/or teach abroad each year, and 900 foreign scholars and 4,000 foreign students to do the same in the U.S.²³ The State Department, which administers the program, heralds alumni’s achievements. It explains that the “nearly 450,000 Fulbrighters . . . from the United States and 160 countries” have “fostered mutual understanding” and collaboration as participants

²¹ Weili Ye, *Seeking Modernity in China’s Name: Chinese Students in the United States, 1900–1927*, at 2, 10–11 (2002).

²² S. 1440, 79th Cong. (1945); see Pub. L. No. 79-584, ch. 281, 60 Stat. 754 (1946).

²³ Fulbright Program, *FAQ & Contact*, <https://www.fulbrightprogram.org/about/faq-contact/>.

and alumni, “gone on to achieve distinction” across disciplines, and facilitated a “shared vision for peaceful relations among nations.”²⁴

- **F-1 and J-1 Visa Programs:** In 1952 and 1961, Congress created the visa programs implicated in this litigation—the F-1 visa program for foreign college or university students to study in the U.S., and the J-1 visa program for foreign scholars, professors, and other exchange visitors to research, teach, or carry out other activities. 8 U.S.C. §§ 1101(a)(15)(F), (J); 8 C.F.R. § 214.2(f).²⁵ Congress created the latter program through the Fulbright-Hays Act, the “purpose of” which includes enabling “the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange,” and “to promote international cooperation for educational and cultural advancement.” 22 U.S.C. § 2451; see H.R. Rep. No. 87-1094, at 1-3, 17 (1961); 22 C.F.R. § 62.20(b).

²⁴ U.S. Dep’t of State, *The Fulbright Program*, <https://www.state.gov/the-fulbright-program>.

²⁵ U.S. Dep’t of State, *Student Visa*, <https://travel.state.gov/content/travel/en/us-visas/study/student-visa.html>; U.S. Dep’t of State, *BridgeUSA*, <https://j1visa.state.gov/>.

- **H-1B Visa Program:** In 1990, Congress created the H-1B visa program, through which foreign scholars with specialized knowledge, among others, can obtain employment in the U.S. for three years. *See* 8 U.S.C. §§ 1101(a)(15)(H), 1184(i)(1). In 2000, through the American Competitiveness in the 21st Century Act, Congress specified that the numerical cap previously set for H-1B visas did not apply to visa recipients at higher education institutions.²⁶ Congress did so to avoid adversely impacting “universities’ access to skilled” foreign professors and researchers, explaining: “Our universities, and our country as a whole, benefit from the admission of these exceptionally talented individuals. They represent the best the world has to offer,” and they “strengthen and diversify our economy.”²⁷

The throughline between these examples and others²⁸ is the federal government’s recognition for more than a century that cross-border

²⁶ Pub. L. No. 106-313, § 103, 114 Stat. 1251, 1252 (2000) (codified at 8 U.S.C. § 1184(g)(5)).

²⁷ S. Rep. No. 106-260, at 5, 32 (2000); *see id.* at 2-3, 12, 21-22.

²⁸ Other examples include the Lacy–Zarubin Agreement, which enabled the annual exchange, for decades, of over a hundred scholars between the U.S. and the Soviet Union, Matthew Rojansky, *Indispensable Institutions: The Obama–Medvedev Commission and Five Decades of U.S.–Russia Dialogue* 5-6, Carnegie Endowment for Int’l Peace (2010),

scholarly exchanges strengthen U.S. higher education and our country.

But see infra 30-31.

Today, tens of thousands of foreign scholars on J-1 and other non-immigrant visas enter the U.S. each year to research, teach, and engage in other academic work. In the 2023-2024 academic year, 112,552 scholars came from all over the world—including Brazil, China, Germany, and Nigeria.²⁹ These foreign scholars specialize in a range of

https://carnegie-production-assets.s3.amazonaws.com/static/files/indispensable_institutions.pdf; the Higher Education Act of 1965, which not only funds international studies and foreign language programs and centers but also allows them to bring visiting scholars and faculty from abroad, Pub. L. No. 89-329, tit. VI, 79 Stat. 1219, 1261-66 (1965) (codified at 20 U.S.C. § 1121 *et seq.*); and the East–West Center Education Program, which for decades has supported the graduate education of thousands from Asia, the Pacific, and the U.S., Pub. L. No. 86-472, ch. VII, 74 Stat. 134, 141-42 (1960) (codified at 22 U.S.C. § 2054 *et seq.*); East–West Ctr., *Education Program Overview*, <https://www.eastwestcenter.org/education/education-program-overview>.

²⁹ Inst. of Int’l Educ., *International Scholars*, Open Doors, <https://opendoorsdata.org/data/international-scholars/> (“All Places of Origin,” <https://opendoorsdata.org/data/international-scholars/all-places-of-origin/>). Additional foreign scholars come as graduate students or begin their academic careers as undergraduates. Inst. of Int’l Educ., *International Students*, Open Doors, <https://opendoorsdata.org/data/international-students/> (“Academic Level,” <https://opendoorsdata.org/data/international-students/academic-level/>).

disciplines, from the life sciences to the humanities.³⁰ And colleges and universities across the country hosted them, with over 4,000 going to Harvard, the leading host institution.³¹

The data tells a similar story about the foreign students who enter the U.S. on F-1 and other non-immigrant visas. Each year, hundreds of thousands of foreign students come from all over the world, study a range of subjects, and are hosted by schools across the country, including Harvard.³²

Higher education institutions benefit tremendously from foreign scholars and students. Harvard and other U.S. colleges and universities consistently sit atop the rankings of the world's best schools.³³ Their

³⁰ *International Scholars*, *supra* n.29 (“Major Field of Specialization,” <https://opendoorsdata.org/data/international-scholars/major-field-of-specialization/>).

³¹ *Id.* (“Institutions Hosting the Most Scholars,” <https://opendoorsdata.org/data/international-scholars/institutions-hosting-the-most-scholars/>).

³² *International Students*, *supra* n.29 (“All Places of Origin,” <https://opendoorsdata.org/data/international-students/all-places-of-origin/>, “Leading Institutions,” <https://opendoorsdata.org/data/international-students/leading-institutions/>, and “Fields of Study,” <https://opendoorsdata.org/data/international-students/fields-of-study/>).

³³ Times Higher Educ., *World University Rankings 2026*, <https://www.timeshighereducation.com/world-university-rankings/latest/world-ranking>.

success stems in no small part from their ability to attract the very best scholars and students from around the globe.³⁴ In so doing, Harvard and others facilitate collaborations that lead to scientific breakthroughs and new political, economic, and social insights; bring unique perspectives to laboratories, research centers, archives, and classrooms; and enable U.S. faculty and students to contribute to the global marketplace and tackle current issues in all sectors of society. “The Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues.” *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (citation omitted). Foreign scholars and students are critical to that exchange.

Amici know firsthand the importance of these scholars and students and their contributions to America’s public culture and prosperity.³⁵ As *amici* have witnessed, foreign scholars and students

³⁴ Nat’l Rsch. Council, *Research Universities and the Future of America: Ten Breakthrough Actions Vital to Our Nation’s Prosperity and Security* 3, 19-20, 42-43, 60, 170-77 (2012), <https://nap.nationalacademies.org/catalog/13299/research-universities-and-the-future-of-america-ten-breakthrough-actions>; Jonathan R. Cole, *Why American Universities Need Immigrants*, *The Atlantic* (Mar. 7, 2017), <https://www.theatlantic.com/education/archive/2017/03/american-universities-need-immigrants/518814/>.

³⁵ *Supra* 1-2 & n.2.

promote intellectual diversity and academic growth on campuses through their collaborations with their peers—which produce better research and teaching—and through their work as dissertation and thesis committee members, graduate and undergraduate advisers, and teaching assistants. The Court need not simply take *amici*’s word for it. For years, the country’s leading colleges and universities have made abundantly clear the importance of cross-border scholarly exchanges.³⁶

So too has the federal government. For decades, it has trumpeted the power of international scholarly exchanges, like the J-1 visa program, to “promote[] . . . mutual enrichment and linkages between research and academic institutions in the United States and foreign countries.”³⁷ It has done so on a bipartisan basis. *Supra* 8-11. In 2021, the Departments of

³⁶ Br. of *Amici Curiae* Colls. & Univs. in Supp. of Resp’ts 7-20, *Trump v. Hawaii*, 585 U.S. 667 (2018) (No. 17-965); Ass’n of Am. Univs. *et al.*, *Statement and Recommendations on Visa Problems Harming America’s Scientific, Economic and Security Interests* (May 12, 2004), https://www.aau.edu/sites/default/files/AAU%20Files/Key%20Issues/Innovation%20%26%20Competitiveness/JointVisaStatement_12May2004.pdf.

³⁷ U.S. Dep’t of State, *Professor*, <https://j1visa.state.gov/programs/professor>; see Lyndon B. Johnson, *Message to the Congress Transmitting Annual Report on the International Education & Cultural Exchange Program* (Oct. 6, 1965), <https://www.presidency.ucsb.edu/documents/message-the-congress-transmitting-annual-report-the-international-educational-and-2>.

State and Education issued a joint statement of principles pledging to “[w]elcome” international scholars, researchers, and students because their “presence . . . on U.S. campuses enhances diversity, contributes to academic vibrancy, . . . fosters creativity . . . in the sciences and the arts,” and “supports U.S. diplomacy” and security “by promoting people-to-people ties that create goodwill and mutual understanding.”³⁸

These benefits are not merely theoretical; they are concrete and substantial, and they redound to our country as a whole. In their time on our campuses and after,³⁹ foreign scholars and students make America demonstrably better.

³⁸ U.S. Dep’t of State & U.S. Dep’t of Educ., *Joint Statement of Principles in Support of International Education: A Renewed U.S. Commitment to International Education* 2-3 (2021), https://educationusa.state.gov/sites/default/files/intl_ed_joint_statement.pdf; see *id.* at 4 (discussing how foreign scholars and students support innovation and our country’s competitive edge); Council of Econ. Advisers, *Economic Report of the President, Together with the Annual Report of the Council of Economic Advisers*, H.R. Doc. No. 110-1, at 201, 204 (2007), <https://www.presidency.ucsb.edu/sites/default/files/books/presidential-documents-archive-guidebook/the-economic-report-of-the-president-truman-1947-obama-2017/2007.pdf> (similar).

³⁹ Many who come here for temporary undergraduate or graduate study ultimately stay here and contribute to our country from within its borders. See Nat’l Ctr. for Sci. & Eng’g Stats., *Doctorate Recipients from U.S. Universities: 2019* (Dec. 1, 2020), <https://nces.nsf.gov/pubs/nsf21308/report/postgraduation-trends#temporary-visa-holders-and-post-graduation>. Others return and serve as effective ambassadors for the

Significant evidence substantiates these benefits. Data and policy analyses show that foreign scholars and students undergird the U.S. science and engineering sectors; drive teaching, research, and innovation across subjects; and annually contribute billions of dollars to the economy and support the creation of hundreds of thousands of jobs.⁴⁰ Many make

U.S. abroad. See Nick Hillman, *HEPI Annual Soft-Power Ranking 2020*, at 3, Higher Educ. Pol’y Inst. (Aug. 2020), <https://www.hepi.ac.uk/wp-content/uploads/2020/08/HEPI-Soft-Power-Ranking-2020.pdf> (finding U.S. educates the most world leaders).

⁴⁰ See, e.g., Sarah M. Rovito, Divyansh Kaushik & Surya D. Aggarwal, *The Impact of International Scientists, Engineers, and Students on U.S. Research Output*, 2 Sci. Pol’y Rev. 15, 17, 20 (Aug. 2021), <https://sciencepolicyreview.org/2021/08/impact-international-scientists-engineers-students-us-research-output/>; NAFSA, *NAFSA International Student Economic Value Tool*, <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>; Mushfiq Mobarak, *The Contribution of Foreign Doctoral Students on Innovation in the United States*, Yale Sch. of Mgmt., <https://faculty.som.yale.edu/mushfiqmobarak/the-contribution-of-foreign-doctoral-students-on-innovation-in-the-united-states/>; Yukiko Furuya *et al.*, *A Portrait of Foreign-born Teachers in the United States* 4, 13, 23 George Mason Univ. Inst. for Immig. Rsch. (2019), <https://search.israelab.org/resources/34649/34649.pdf>; Paula E. Stephan, *The “T’s Have It: Immigration and Innovation, the Perspective from Academe*, 10 Innovation Pol’y & Econ. 83 (2010), <https://www.journals.uchicago.edu/doi/10.1086/605854>; Stuart Anderson, *International Students Are Vital to U.S. Higher Education*, Int’l Educator (May-June 2024), https://www.nafsa.org/sites/default/files/elektron/files/underscore/ie_mayjun14_frontlines.pdf; *International Talent*, *supra* n.18, at 1, 7, 10-12, 20-21, 23, 74, 90, 279-83; *Advocacy Guide*, *supra* n.2 (collecting analyses).

significant discoveries and contributions in their fields and receive the highest recognitions for their achievements.⁴¹

Foreign historians are no exception. These scholars advance the study of history—a discipline that is vitally important to our country because it “guide[s]” our conceptions of “fundamental rights,” helps us to understand people and societies, and plays a role in constructive citizenship. *Obergefell v. Hodges*, 576 U.S. 644, 663-64 (2015); see *N.Y. Tr. Co. v. Eisner*, 256 U.S. 345, 349 (1921) (“[A] page of history is worth a volume of logic.”).⁴² Like any academic field, history depends on the robust exchange of ideas,⁴³ and foreign scholars are critical participants. As Lewis Hanke, a noted historian of colonial Latin America, explained

⁴¹ See Natee Amornsiripanitch *et al.*, *Getting Schooled: The Role of Universities in Attracting Immigrant Entrepreneurs*, Nat’l Bureau of Econ. Rsch. (May 2021), https://www.nber.org/system/files/working_papers/w28773/w28773.pdf; Adams Nager *et al.*, *The Demographics of Innovation in the United States*, Info. Tech. & Innovation Found. (Feb. 24, 2016), <https://www2.itif.org/2016-demographics-of-innovation.pdf>; Stuart Anderson, *Immigrants and Nobel Prizes: 1901–2023*, Nat’l Found. for Am. Pol’y (Oct. 4, 2023), <https://nfap.com/research/immigrants-and-nobel-prizes-1901-2023/>.

⁴² See also Peter N. Stearns, *Why Study History*, AHA (1998), <https://www.historians.org/resource/why-study-history-1998/>.

⁴³ AHA, *Statement on Standards of Professional Conduct* (Jan. 7, 2023), <https://www.historians.org/resource/statement-on-standards-of-professional-conduct/>.

in his 1974 AHA presidential address, the study of history benefits from increasing “the professional relations of historians on an international scale” and the number of foreign historians on our campuses, since “exchang[ing] ideas and experiences” with others “improve[s] the teaching of both our own national histories and the history of other cultures.”⁴⁴ Akira Iriye, who left Japan for undergraduate study at Haverford College and graduate study at Harvard after World War II and became a prominent scholar on U.S.–East Asian relations, echoed these sentiments in his 1988 AHA presidential address.⁴⁵

Hanke and Iriye’s vision has played out over the twentieth century and blossomed today. A number of the scholars who ended up at U.S. colleges or universities in the 1930s and 1940s became renowned historians, including former AHA president Hajo Holborn (who defined understandings of modern German history), Paul Oskar Kristeller (who transformed conceptions of Renaissance thought and philosophy), and

⁴⁴ Lewis Hanke, *American Historians and the World Today: Responsibilities and Opportunities* (1974), <https://www.historians.org/presidential-address/lewis-hanke/>.

⁴⁵ AHA, *Akira Iriye*, <https://www.historians.org/person/akira-iriye/> (citing Akira Iriye, *The Internationalization of History* (1988), <https://www.historians.org/presidential-address/akira-iriye/>).

Ping-ti Ho (who wrote widely on Chinese social and economic history). Many others have followed in these prominent historians' footsteps—bringing expertise across historical areas of study, time periods, and methodologies, and unique perspectives from around the world.

Some of these scholars came to the U.S. to attend graduate school and/or to research and teach here, and then stayed—including Dipesh Chakrabarty (who is a leading historian in postcolonial and subaltern studies), Linda Colley (who is an expert on British history since 1700), Friedrich Katz (who wrote foundational works on nineteenth- and twentieth-century Latin American history), and Odd Arne Westad (who has published important works on modern East Asian history and Cold War history). Others came temporarily—including Romila Thapar (who is a preeminent historian of ancient India), Pekka Hämäläinen (who is a leading historian of early and nineteenth-century North America), Hans-Ulrich Wehler (who wrote seminal works on German social and political history), and Betty C. Wood (who wrote significant works on slavery, gender, and other issues in early American and Atlantic history).

These and other foreign scholars bring award-winning talent to our campuses. Dozens have won Bancroft or Pulitzer Prizes for distinguished

works, among other prestigious awards.⁴⁶ And through their work, they shape popular understandings of salient topics (from international relations to Native American power)⁴⁷ and influence judicial resolution of major issues (from unlawful detentions to freedom of the press).⁴⁸

⁴⁶ Columbia Univ. Librs., *The Bancroft Prizes: Current & Previous Awards*, https://library.columbia.edu/about/awards/bancroft/previous_awards.html (listing, among other foreign-born winners who have studied and/or taught at U.S. universities, Felix Gilbert, who was a visiting professor at Harvard, Hämäläinen, and Michael O'Brien); Pulitzer Prize Bd., *History*, <https://www.pulitzer.org/prize-winners-by-category/220> (similarly listing, among others, Liaquat Ahamed, who went to graduate school at Harvard, Fredrik Logevall, and Rhys L. Isaac); *see also* AHA, *Honorary Foreign Member*, <https://www.historians.org/award-grant/honorary-foreign-member/> (similarly listing, among others, Thapar, Wehler, and Wood).

⁴⁷ *See* Sean Illing, *How the Cold War Can Explain Our Current Standoff with Russia* (Mar. 1, 2018), <https://www.vox.com/world/2018/3/1/17045888/putin-russia-cold-war-trump> (discussing Westad's work as part of assessment of U.S.–Russia relations); Jennifer Schuessler, *A Finnish Scholar Wants to Change How We See American History*, N.Y. Times (Sept. 20, 2022), <https://www.nytimes.com/2022/09/20/arts/indigenous-continent-pekka-hamalainen.html> (discussing Hämäläinen's work on indigenous history); *see also, e.g.*, Jill Lepore, *When Constitutions Took Over the World*, The New Yorker (Mar. 29, 2021), <https://www.newyorker.com/magazine/2021/03/29/when-constitutions-took-over-the-world> (discussing Colley's work).

⁴⁸ *See, e.g.*, *Boumediene v. Bush*, 553 U.S. 723, 745 (2008) (citing A. W. B. Simpson, a prominent British legal historian and philosopher who taught at U.S. law schools); *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 273 (1964) (citing Leonard Levy, who came from Canada for college, stayed, and became a leading constitutional historian).

In recent months, *amici* have witnessed how the Trump administration's actions threaten the tremendous contributions of foreign-born historians and other foreign scholars and students.

II. The Trump Administration's Actions Against Harvard Harm Foreign Scholars and Students and U.S. Higher Education

The administration is waging an unprecedented assault against Harvard that directly harms foreign scholars and students and their ability to enrich our country.

Foreign scholars and students are targets of the administration's actions giving rise to this case—its letter revoking Harvard's certification to host foreign students on F-1 visas,⁴⁹ and its Proclamation preventing Harvard from enrolling these students or hosting foreign visitors on J-1 visas by suspending their entry and directing the Secretary of State to consider revoking their existing visas.⁵⁰ These foreign nationals are not merely collateral damage; they are levers and bargaining chips the administration has used to punish and coerce Harvard. The administration's justifications prove the point.

⁴⁹ Dist. Dkt. 1-25, 1-27.

⁵⁰ Dist. Dkt. 54-7, 54-8.

In its Proclamation and accompanying fact sheet,⁵¹ the administration portrayed foreign nationals at Harvard as potential agents for foreign adversaries; as individuals who are from nations contrary to American values and who unfairly reduce “opportunities” for “hardworking Americans”; and as “agitators,” “radicalized lunatics, [and] troublemakers” responsible for antisemitism, misconduct, and criminality.⁵² It did much the same when revoking Harvard’s certification to enroll international students on F-1 visas, and when building up to this revocation.⁵³ In the midst of this litigation, the administration has further attacked Harvard and the school’s international community, launching an investigation into Harvard’s “continued eligibility” to host any foreign scholars and other J-1 visa recipients, and subpoenaing records related to foreign students.⁵⁴

⁵¹ Notwithstanding the government’s argument, Appellant Br. 44, the Court may consider the fact sheet and other “contemporary . . . probative” evidence, *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 35 (2020) (citation omitted); see Appellant Br. 53.

⁵² Dist. Dkt. 54-7 at 1-3; Dist. Dkt. 54-8 at 2.

⁵³ Dist. Dkt. 1-25 at 1 (discussing intention to “root out the evils of anti-Americanism”); see Dist. Dkt. 1-9 at 2 (similar); Dist. Dkt. 1-27 at 1-2 (similar).

⁵⁴ Press Statement, Sec’y of State Marco Rubio, *Investigation of Harvard University Participation in the Exchange Visitor Program* (July 23, 2025),

The Trump administration's attacks extend beyond Harvard. The administration also has sought to revoke the visas of foreign nationals at other colleges and universities. That includes Dr. Badar Khan Suri, an Indian citizen and scholar on religion and peace who is a postdoctoral fellow on a J-1 visa at Georgetown University⁵⁵; Rümeysa Öztürk, a Turkish citizen and PhD student in child study and human development on an F-1 visa at Tufts University⁵⁶; and hundreds more, at dozens of schools, who the administration contends also espouse troublesome ideologies.⁵⁷

<https://www.state.gov/releases/office-of-the-spokesperson/2025/07/investigation-of-harvard-university-participation-in-the-exchange-visitor-program>; Press Release, U.S. Dep't of Homeland Sec., *DHS Sends Administrative Subpoenas to Harvard University* (July 9, 2025), <https://www.dhs.gov/news/2025/07/09/dhs-sends-administrative-subpoenas-harvard-university>.

⁵⁵ *Suri v. Trump*, 785 F. Supp. 3d 128, 133-36 (E.D. Va. 2025) (detailing visa revocation and detention for online posts).

⁵⁶ *Ozturk v. Trump*, 783 F. Supp. 3d 801, 806 (D. Vt. 2025) (detailing visa revocation and detention for op-ed related to Palestine).

⁵⁷ Ashley Mowreader, *International Student Visas Revoked*, Inside Higher Educ. (Apr. 25, 2025), <https://www.insidehighered.com/news/global/international-students-us/2025/04/07/where-students-have-had-their-visas-revoked>; *Am. Ass'n of Univ. Professors v. Rubio*, No. 25-cv-10685, --- F. Supp. 3d ----, 2025 WL 2777659, at *5-38 (D. Mass. Sept. 30, 2025).

The administration has launched attacks across several other fronts. It suspended all new F-1 and J-1 visa interviews for weeks; has mandated social media vetting for visa applicants to determine if they have any hostility to a narrow definition of “American culture” or U.S. founding principles; and has imposed a travel ban barring or restricting the entry of individuals, including F-1 and J-1 visa applicants, from more than a dozen countries.⁵⁸ It has promised there is more to come—pledging it will bring its Harvard playbook to other schools⁵⁹ and continue to revoke foreign scholar and student visas en masse.⁶⁰

The administration’s actions have been tremendously damaging. For Harvard, the attacks against it seriously hinder its core educational

⁵⁸ For an overview of these actions and others, see President’s All. on Higher Educ. & Immigr., *Latest Developments Impacting International Students and Scholars*, <https://www.presidentsalliance.org/directories-2-directories-international-students/>, and NAFSA, *Executive and Regulatory Actions Under the Second Trump Administration*, <https://www.nafsa.org/executive-and-regulatory-actions-trump2admin>.

⁵⁹ Filip Timotija, *Noem: Harvard International Students Ban a ‘Warning’ to Other Universities*, The Hill (May 23, 2025), <https://thehill.com/homenews/education/5315551-kristi-noem-harvard-university-ban-international-enrollment-warning/>; Appellant Br. A34.

⁶⁰ U.S. Sec’y of State Marco Rubio, *100 Days of an America First State Department*, U.S. Dep’t of State (Apr. 30, 2025), <https://statedept.substack.com/p/100-days-of-an-america-first-state-department>.

mission—jeopardizing its ability to engage globally, and thus to sustain the lively networks of scholarly connections and uninhibited exchange of ideas vital to academic training and inquiry on its campus. *See* Appellant Br. A29, 42.⁶¹ Other schools face similar harms if, like Harvard, they stand up to the administration’s attacks. The message to them is clear: kowtow to the administration’s views or pay the price and lose access to international talent.⁶²

On campuses, the administration’s attacks have snuffed out free expression. They have created a climate of fear, repression, and self-censorship for foreign scholars and students at Harvard and elsewhere.⁶³

⁶¹ *See also* Fernando M. Reimers, *Why Harvard Needs International Students*, *Harv. Mag.* (Aug. 8, 2025), <https://www.harvardmagazine.com/commentary/harvard-international-students-necessary-campus-culture>.

⁶² Laurel Rosenhall *et al.*, *Universities See Trump’s Harvard Move as a Threat to Them, Too* (May 24, 2025), <https://www.nytimes.com/2025/05/24/us/harvard-trump-international-students-impact.html>.

⁶³ *See* Megha Khemka, Christopher Schwarting & Aurora J. B. Sousanis, *Eight International Students at Harvard, Watching America Close Its Doors*, *Harv. Crimson* (Oct. 11, 2025), <https://www.thecrimson.com/article/2025/10/11/international-students-harvard-trump/>; Alice Hutton, *Fear on Campus: Harvard’s International Students in ‘Mass Panic’ over Trump Move*, *The Guardian* (May 23, 2025), <https://www.theguardian.com/education/2025/may/23/harvard-international-students-panic>; Jeff Tollefson, *International PhD Students Make Emergency Plans in Fear of US Immigration Raids*, *Nature* (Apr. 4, 2025), <https://www.nature.com/articles/d41586-025-01056-5>; Tufts Univ., *Tufts University Declaration*

Understandably, foreign faculty, researchers, and students fear that what they say in classrooms, write in scholarly works, or advocate for or say in public may be used as grounds for the revocation of their visas and upending of their careers.⁶⁴ Some fear that certain subjects or fields of study will be made taboo. *Amici* have heard directly from foreign graduate students and other academics who worry they will lose their visas or funding or be punished in other ways because of the topics they research or particular language they use in their work.

for Rümeysa Öztürk (Apr. 2, 2025), <https://www.tufts.edu/president/speeches-and-messages/04022025-university-declaration-for-rumeysa-ozturk>.

⁶⁴ See AHA, *American Historical Association Condemns Targeting of Foreign Scholars* (Apr. 21, 2025), <https://www.historians.org/news/american-historical-association-condemns-targeting-of-foreign-scholars/>; Ella Lee, *Professors Describe Fear Amid Trump Pro-Palestine Activism Crackdown*, The Hill (July 7, 2025), <https://thehill.com/homenews/5388445-professors-testify-trump-administration-campus-activism/>; Dan Rosenzweig-Ziff & Susan Svrluga, *Some Foreign Students Fear Speaking Out as Visa Cancellations Rise*, Wash. Post (Apr. 12, 2025), <https://www.washingtonpost.com/education/2025/04/12/international-students-visas-revoke-fear/>; Aleka Gomez-Sotomayor-Roel & Alexis Hernandez Lopez, *‘Climate of Fear’: Legal Experts Say DHS Activity Chills Campus Expression, Sets Dangerous Precedent*, Columbia Spectator (Apr. 24, 2025), <https://www.columbiaspectator.com/news/2025/04/24/climate-of-fear-legal-experts-say-dhs-activity-chills-campus-expression-sets-dangerous-precedent/>; *Am. Ass’n of Univ. Professors*, 2025 WL 2777659, at *16, 29-31, 42-44.

With potential reprisals hanging over them, and with their continued ability to study, research, or teach in the U.S. mired in uncertainty, a growing number of foreign scholars are leaving or considering leaving the U.S.⁶⁵ Likewise, more academics are opting not to come to the U.S. in the first place.⁶⁶ And foreign student enrollment has plummeted by nearly 20 percent.⁶⁷

⁶⁵ See Anna Betts, *'It Felt Like My Dreams Had Collapsed': International Students React to Trump Policy Shift*, The Guardian (Aug. 18, 2025), <https://www.theguardian.com/us-news/2025/aug/18/international-students-trump-universities>; Marina Dunbar, *'No Way to Invest in a Career Here': US Academics Flee Overseas to Avoid Trump Crackdown*, The Guardian (June 15, 2025), <https://www.theguardian.com/us-news/ng-interactive/2025/jun/15/academics-science-trump-university-crackdown>.

⁶⁶ See Lydia DePillis & Jin Yu Young, *As Trump Pushes International Students Away, Asian Schools Scoop Them Up*, N.Y. Times (Aug. 14, 2025), <https://www.nytimes.com/2025/08/14/business/us-international-students-trump.html>; Dannie Peng, *America's Loss, China's Gain: Top Chinese Universities Welcome PhD Refugees from the US*, S. China Morning Post (Feb. 23, 2025), <https://www.scmp.com/news/china/science/article/3299395/americas-loss-chinas-gain-top-chinese-universities-welcome-phd-refugees-us>; Scholars at Risk, *Free to Think 2025: Report of the Scholars at Risk Academic Freedom Monitoring Project 3* & n.9, 20 & n.63 (Oct. 1, 2025), https://www.scholarsatrisk.org/wp-content/uploads/2025/09/SAR_F2T2025_8.5x11_FINAL.pdf.

⁶⁷ Aatish Bhatia & Amy Fan, *Nearly 20 Percent Fewer International Students Traveled to the U.S. in August*, N.Y. Times (Oct. 6, 2025), <https://www.nytimes.com/interactive/2025/10/06/upshot/us-international-student-travel.html>.

The result is a growing “brain drain” risk—where the best and brightest from across the world are scooped up by various countries eager to capitalize on their expertise.⁶⁸ That risk has sparked significant alarm, and rightly so. There is broad agreement that losing foreign talent at Harvard and other schools will set back U.S. innovation in critical fields; inhibit the free exchange of ideas; and otherwise deprive our country of the full range of contributions that foreign scholars and students make.⁶⁹

⁶⁸ See David M. Lodge, *From Brain Gain to Brain Drain: The Cost of Undermining U.S. Higher Education*, Cornell Atkinson Ctr. for Sustainability (June 24, 2025), <https://atkinson.cornell.edu/blog/from-brain-gain-to-brain-drain-the-cost-of-undermining-u-s-higher-education>; Anne O. Krueger, *The High Cost of Trump’s Brain Drain*, Proj. Syndicate (June 24, 2025), <https://www.project-syndicate.org/commentary/trump-brain-drain-undermines-key-pillar-of-american-growth-and-influence-by-anne-o-krueger-2025-06>. This foreign talent loss dovetails with the growing domestic talent loss as the Trump administration’s funding cuts and attacks on higher education cause U.S. scholars to move abroad. See Ass’n of Am. Univs., *Resources on American Researchers Leaving the United States*, <https://www.aau.edu/sites/default/files/Resources-American-Scientists-Brain-Drain.pdf> (collecting articles).

⁶⁹ See, e.g., Ben Greenho *et al.*, *The Trump Administration’s Hostility to Legal Immigration Harms America’s Global Leadership in Innovation*, Ctr. for Am. Progress (Nov. 13, 2025), <https://www.americanprogress.org/article/the-trump-administrations-hostility-to-legal-immigration-harms-americas-global-leadership-in-innovation/>; Anthony Brooks, *As Trump Targets Harvard’s Foreign Student Enrollment, Scholars Worry About the Future of U.S. Innovation*, WBUR (June 4, 2025), <https://www.wbur.org/news/2025/06/04/trump-harvard-foreign-students-science-innovation>; Ass’n of Am. Univs., *Statement of AAU President Barbara R. Snyder on the Administration’s Revocation of the Ability of Any International Students*

This is not the first time the government has erred in this way. The history sketched out above—of our country’s increasing efforts to welcome foreign scholars and students—is not linear. Periods of openness have been countered by notable periods of prejudice. During the Red Scare after World War II, the government investigated foreign nationals such as Dr. Qian Xuesen, a Boxer Indemnity scholarship recipient turned California Institute of Technology professor who, despite any real evidence of wrongdoing, was deported to China and went on to transform that country’s missile and space programs.⁷⁰ During the early 2000s, stringent visa restrictions in the wake of 9/11 impeded our country’s ability to attract and retain foreign scholars and students.⁷¹ So too did

to Attend Harvard University (May 23, 2025), <https://www.aau.edu/newsroom/press-releases/revocation-international-students-to-attend-harvard-university>; Marcia McNutt, John L. Anderson & Victor J. Dzau, *Welcoming International Talent Is Essential to American Prosperity*, Nat’l Acads. of Scis., Eng’g & Med. (May 1, 2025), <https://www.nationalacademies.org/news/2025/05/welcoming-international-talent-is-essential-to-american-prosperity>.

⁷⁰ *International Talent*, *supra* n.18, at 288-90.

⁷¹ Nat’l Academies of Scis., Eng’g & Med., *Policy Implications of International Graduate Students and Postdoctoral Scholars in the United States* 8-9, 30-31, 72-80 (2005), <https://nap.nationalacademies.org/catalog/11289/policy-implications-of-international-graduate-students-and-postdoctoral-scholars-in-the-united-states>.

the first Trump administration’s travel bans (targeting foreign nationals from majority-Muslim nations) and China Initiative (targeting Chinese and Asian-American researchers and scientists for industrial espionage prosecutions).⁷²

The Trump administration’s current attack on all foreign scholars and students at Harvard, and others around the country, is a mistake of potentially far graver proportions. It threatens to drive away many more future science and humanities trailblazers, for no valid or lawful reason.

III. The Trump Administration’s Actions Violate the First Amendment

The Trump administration’s suspension of Harvard’s ability to host foreign scholars and enroll foreign students is not just unwise—it is unlawful under the First Amendment.

Harvard and the district court already have robustly explained why the administration’s actions violate Harvard’s First Amendment rights by singling it out for disfavor based on its views and retaliating against it for the exercise of its right to free speech. *See* Appellant Br. A28-35, 38-41. Harvard and the district court also have fulsomely explained why

⁷² *International Talent*, *supra* n.18, at xix, 2, 13, 29-30, 39-41, 44-50, 105; Br. of Amici Curiae, *supra* n.36, at 20-30.

neither *Trump v. Hawaii*, 585 U.S. 667 (2018), nor *Kleindienst v. Mandel*, 408 U.S. 753 (1972), justify the administration’s blatantly illegal conduct, to the extent they even apply. *See id.* at A21-27. *Amici* add only that these persuasive explanations apply equally to the foreign scholars and students that, over Harvard’s strenuous objection, the administration wishes to exclude.

Just as Harvard has a First Amendment right to academic freedom as an institution, *id.* at A29, its scholars and students have corresponding individual rights, *Sweezy*, 354 U.S. at 250 (“Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.”). Harvard’s foreign scholars and students are no exception, for they generally are entitled to the same speech rights as citizens. *See Bridges v. Wixon*, 326 U.S. 135, 148 (1945). Like Harvard, they too are being singled out and retaliated against—for being too “radical” or foreign-aligned. *Supra* 22-23. And like Harvard, they are being targeted for no facially legitimate reason—for purported crime rates that have nothing to do with them, and for purported concerns about Chinese influence, civil rights, and non-egalitarian nations that do not logically justify a

categorical ban of *all* foreign nationals seeking to come to Harvard, let alone one that applies to Harvard but no other schools. *See* Appellant Br. A24-27.⁷³

On this bare record, the administration’s rote invocation of “national-security concerns” to justify its Proclamation rings hollow. Appellant Br. 1, 4, 25, 37, 46. These concerns do not legitimize the President’s improper exercise of his power over alien admission to punish Harvard and its international community. They are mere “talisman[s] used to ward off inconvenient claims,” *Ziglar v. Abbasi*, 582 U.S. 120, 143 (2017), and supply no basis for the Court to “abdicat[e]” its “role” in enforcing the First Amendment, *Holder v. Humanitarian L. Project*, 561 U.S. 1, 34 (2010).

CONCLUSION

Our country benefits tremendously from foreign scholars and students. The administration’s actions against Harvard jeopardize those contributions and lack a legal basis. Therefore, the Court should affirm.

⁷³ Meanwhile, Harvard’s U.S. citizens are denied their right to “receive information and ideas” from their foreign peers. *Mandel*, 408 U.S. at 762 (citation omitted).

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

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Dated: December 22, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, I electronically filed the foregoing brief with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

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ADDENDUM

AMICI CURIAE ON THIS BRIEF

The **American Historical Association**. See description at page 1 of the brief.

The **American Council of Learned Societies (ACLS)** is a nonprofit organization that has been devoted since 1919 to nourishing the creation and circulation of humanistic knowledge on the principle that humanistic knowledge is a public good. ACLS supports scholars and scholarship as well as the evolution of fields, degree programs, and professional practices. At what is widely seen as an especially challenging time for the humanities, ACLS's network of strong relationships with member societies, institutions of higher education, and scholars positions it well to partner with allies across the hierarchical landscape of higher education to advocate for the value of humanistic knowledge and to accelerate evolution in scholarly practice and values.

The **Association for Slavic, East European, and Eurasian Studies (ASEEES)**, established in 1948, is a nonprofit, non-political scholarly society dedicated to the advancement of knowledge about Eastern Europe and Eurasia in regional and global contexts. As the premier membership organization in Slavic, East European, and Eurasian Studies with over 3,800 members, the majority of whom are faculty and graduate students at U.S. universities and colleges, ASEEES supports teaching, research, and publications relating to the study of the region and has cultivated the field's intellectual landscape for over seventy years through its chief publication, *Slavic Review*, its annual convention, its prizes, and other \programs. ASEEES is committed to promoting academic freedom and international exchange of scholarship to advance the field.

The **Association for Spanish and Portuguese Historical Studies (ASPHS)**, founded in 1969, promotes the scholarly study of Spain and Portugal through history and related disciplines. Membership is open to all interested in the scholarly study of Spain and Portugal, including scholars outside of the United States. ASPHS members recognize the importance of ongoing scholarly exchange that includes scholars from Spain and Portugal as well as other regions of the world. To promote such scholarly exchange, ASPHS's annual conference includes the participation of scholars from Spain and Portugal and other regions of the world.

The **Berkshire Conference of Women Historians (the Berks)**, founded in 1930, is a professional organization dedicated to promoting scholarship on women, gender, and sexuality across all historical periods and global contexts. The Berks supports historians through its conferences—the Berkshire Conference on the History of Women, Gender, and Sexualities (also known as the Big Berks) and annual meetings (also known as the Little Berks)—as well as through mentorship and professional development programs. The Berks organization aims to increase access, equity, and inclusion within the historical profession and fosters an interdisciplinary intellectual community committed to advancing feminist historical research and supporting historians at all career stages.

The **Business History Conference** is a scholarly organization devoted to encouraging all aspects of research, writing, and teaching about business history and about the environment in which businesses operate. Founded in 1954, the organization is now international in scope, with approximately thirty percent of its membership residing outside North America.

The **Conference on Asian History**, established in 1953, is dedicated to promoting research and teaching on the histories of East, South, and Southeast Asia and to representing Asian history within the broader historical profession. It has provided a welcoming forum—beginning with its first luncheon session in 1954—for its roughly 400 U.S. and foreign members to connect about their work. CAH also supports and promotes the participation of historians from Asia in its activities. The organization represents the interests of Asian history in all forums where historical topics and panels are being selected.

The **French Colonial Historical Society** promotes scholarship and interest in the scholarly study of all aspects of the history of French colonialism, the overseas French territories, and the multifaceted legacies of French imperialism. The Society provides its members with various avenues, including newsletters, annual meetings, a website, and a refereed journal *French Colonial History* (MSU Press), to pursue the study of French colonialism, its influences, and its consequences.

The **Labor and Working-Class History Association (LAWCHA)** is an organization of historians, labor educators, and working-class activists who seek to promote public and scholarly awareness of labor and working-class history through research, writing, and organizing. It is open to the widest possible variety of approaches to the subject of labor and working-class history. The Association has a demographically, regionally, and internationally diverse membership and leadership. It has developed mutually supportive relationships with existing regional, state, and local labor studies and labor history societies in the United States and other countries, as well as equally important relationships with unions and community organizations. LAWCHA promotes labor and working-class history within the history and social studies curricula in public schools as well as at community colleges, colleges, universities, and unions.

The **LGBTQ+ History Association** was founded in 1979 as the Committee on Lesbian and Gay History. Since 1982, the Association has been officially recognized as an affiliate of the AHA and meets annually in conjunction with the AHA conference, where it sponsors sessions on LGBTQ+ history. It holds a bi-annual Queer/Trans History Conference, continuing its tradition of facilitating communication among scholars in a variety of disciplines who together shape and share the latest advances in research. The Association's expertise ranges from local and global LGBTQ+ history and spans from ancient times to the near present. Today it has nearly 400 active members.

The **National Council on Public History (NCPH)** is a professional organization dedicated to making the past useful in the present and to encouraging collaboration between historians and their publics. It is a nonprofit membership association founded in 1980. It has nearly 1,500 members who include museum professionals, historical consultants, historians employed in government, archivists, corporate and business historians, cultural resource managers, oral historians, as well as professors and students of public history. The NCPH provides leadership to the field on professional standards, ethics, and best practices.

The **North American Conference on British Studies (NACBS)** is a scholarly society dedicated to all aspects of the study of British history, literature, society, and culture. It is a nonprofit membership organization founded in 1950, affiliated with the AHA since 1952, and incorporated

under the laws of the State of New York in 1965. The NACBS sponsors a scholarly journal (the *Journal of British Studies*), online publications, an annual conference, and several academic prizes, graduate fellowships, and undergraduate essay contests.

The **Organization of American Historians (OAH)** is the largest scholarly organization devoted to the history of the United States and to promoting excellence in the scholarship, teaching, and presentation of that history. It is an international nonprofit membership organization, including historians employed in a variety of academic and professional settings. The OAH is committed to the principle that the past is a key to understanding the present and has an interest—as a steward of history, not as an advocate of a particular legal standard—to ensure the accurate portrayal of American history and traditions.

The **Society for Historians of the Gilded Age and Progressive Era (SHGAPE)** is dedicated to advancing new and innovative scholarship in the Gilded Age and Progressive Era (GAPE), to building and cultivating an intellectual community for those interested in the GAPE, and to promoting understanding of the GAPE among historians and wider audiences. SHGAPE is an affiliated society of the AHA and the OAH. In addition to sponsoring panels at the annual meetings of the AHA and the OAH, SHGAPE offers workshops, lectures, a luncheon, a reception, and mentoring opportunities for emerging scholars at the annual meeting of the OAH. The Society also offers a variety of awards, including book and article prizes, a graduate student essay prize, a distinguished historian award, and travel grants to the OAH for graduate students and contingent faculty.

The **Society of Architectural Historians (SAH)** is a nonprofit membership organization that promotes scholarly inquiry and conservation practices that advance the knowledge of histories of architecture, design, landscape, heritage conservation, and urbanism worldwide. SAH serves a network of local, national, and international institutions and individuals who, by profession or interest, focus on the built environment and its role in shaping contemporary life. It supports its membership through programs, meetings, and publications that reach scholarly and public communities across the globe. SAH aims to be the key forum for generating and disseminating scholarship on histories of the built environment. As a scholarly organization, SAH models

openness, inclusivity, and equity and advocates for a diversity of perspectives, methods, and approaches in all its work, including its member and public programs, meetings, and publications. SAH is a leading resource for scholars, teachers, and advocates of the built environment across communities and around the globe.

The **Western History Association** strives to be a congenial home for the study and teaching of all aspects of North American Wests, frontiers, homelands, and borderlands. It is a nonprofit membership organization with a mission to cultivate the broadest appreciation of this diverse history. To accomplish this mission, the Association enables project collaborations, conducts an annual conference, publishes an award-winning journal, and promotes public education through active involvement with teachers, museums, nonprofit affiliates, libraries, and other venues. Founded in 1961, it has over 1,450 members who represent K-12 teachers, faculty and graduate students at universities and colleges, and practicing public historians.

The **Western Society for French History** is a nonprofit organization, founded in 1974 to promote greater regional, professional, and methodological diversity in the study of French and Francophone history. Its international membership, approximately 600 members, includes research and teaching faculty, graduate students, independent scholars, and historians in the general public from the United States, Canada, and around the world. The Society welcomes specialists of French and Francophone culture from a variety of disciplines and interdisciplinary perspectives. The Society takes pride in its longstanding support of graduate student research and conference participation, particularly through its scholarship program.

The **World History Association (WHA)** is the premier professional organization focused on world history, a field that emerged as scholars began to shift from emphasizing national and regional histories toward broader cross-cultural, comparative, and global approaches. The WHA is dedicated to the advancement and promotion of and advocacy for world history education through the encouragement of research, publication, and teaching at all levels. The WHA is a nonprofit membership organization, founded in 1982. It has over 250 members who represent faculty from multiple disciplines at the primary, secondary, and college and university levels predominantly in the United States but also with

members worldwide. The WHA publishes several annual journals, most notably the World History Bulletin and the Journal of World History, and it hosts annual conferences.