

June 10, 2025

## NACAC Joins Amicus Brief Challenging Executive Branch's Effort to Control Harvard

NACAC joined an [amicus brief](#) filed by the [American Council on Education](#) and 27 other higher education organizations supporting Harvard's motion for summary judgment against the U.S. Department of Health and Human Services (HHS). The brief argues that the administration's funding freeze targeting Harvard is an unlawful attempt to bypass limits on executive power and threatens the core principle of institutional autonomy in American higher education. The brief outlines key arguments: executive overreach by the Trump administration, bypassing Congress and the First Amendment, and how these actions by the administration threaten institutional autonomy and academic freedom.

Key arguments presented in the brief include:

- **Executive Overreach:** The Trump administration is using grant funding to try to control Harvard's governance and operations, effectively demanding the university cede control based on ideological alignment. This is not a legitimate enforcement of law, but a pretext to interfere with Harvard's internal affairs, demonstrated by a funding freeze affecting \$2.2 billion in multi-year grants and \$60 million in contracts.
- **Bypassing Congress and the First Amendment:** The brief stresses that Congress has set procedures for law enforcement involving universities. Federal officials cannot mandate how institutions govern or balance viewpoints. The administration's actions sidestep these legal protections.
- **Institutional Autonomy:** This principle is foundational in U.S. law and essential to academic freedom. It protects universities from undue government interference, preserving the "marketplace of ideas" that fuels intellectual inquiry and free expression. Institutional autonomy drives innovation, national prosperity, and global competitiveness.
- **Broader Threat:** The funding freeze poses a chilling effect beyond Harvard. It threatens all colleges and universities by creating fear of political punishment for dissenting views, unpopular research, religious missions, or faculty choices. This threat risks undermining academic freedom and institutional independence nationwide.

The brief was filed with the U.S. District Court for the District of Massachusetts on June 9 with oral arguments scheduled for July 21. This case is about more than Harvard. It is a defense of constitutional rights, and the vital role higher education institutions play in sustaining a democratic society.