

The Impact of State and Federal Policies on Academic Freedom in the United States

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Part I: Introduction

The purpose of this report has been to examine how actions taken by the second Trump administration have contributed to the continued decline in academic freedom in the United States. The research was designed, conducted, and written by students at the University of California, Irvine School of Law International Justice Clinic (“IJC”). Under the direction of Professor David Kaye, a former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the IJC works to develop and implement advocacy strategies concerning accountability for violations of human rights law. This report is addressed to current mandate holders charged with protecting academic freedom as a human right, as well as all members of the academic community concerned about the current state of affairs.

Since President Donald Trump took office for the second time in January 2025, attacks on academic freedom in the United States have risen dramatically and comprehensively. On January 21, 2025, the Trump Administration issued Executive Order 14173, directing federal agencies to combat initiatives based on diversity, equity, and inclusion (“DEI”).¹ On the same day, the Administration issued Executive Order 14168, which asserted definitions of gender based on sex at conception and argued that Title IX non-discrimination protections in education no longer apply to gender identity.² Shortly thereafter, Executive Order 14188 charged executive agencies and departments with combating antisemitism.³ In doing so, the heads of each department were to draft a report identifying actions that may be used to curb antisemitism on college campuses and to examine the actions taken by university administrations following campus protests expressing solidarity for Palestinian people after Israel’s response to the October 7 attacks.⁴ Executive Order 14188 additionally encourages the Attorney General to employ appropriate means to enforce civil rights law.⁵

Other laws or policies of general application have had a direct impact on universities. For instance, since taking office, the Administration has implemented a “catch and revoke” policy where AI software scrapes the social media accounts of immigrants and permanent residents in search of any evidence that the person is a “terrorist sympathizer.”⁶ Among those targeted by the

¹ Exec. Order No. 14173, 90 Fed. Reg. 8633 (Jan. 21, 2025).

² Exec. Order. No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025).

³ Exec. Order. No. 14188, 90 Fed. Reg. 8847 (Jan. 29, 2025).

⁴ *Id.*; *Crowd Counting Consortium: An Empirical Overview of Recent Pro-Palestine Protests at U.S. Schools*, Ash Center (May 30, 2024).

⁵ *Id.*

⁶ Faiza Patel, *U.S. AI-Driven “Catch and Revoke” Initiative Threatens First Amendment Rights*, BRENNAN CENTER FOR JUSTICE, (March 20, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/us-ai-driven-catch-and-revoke-initiative-threatens-first-amendment-rights>.

vetting are foreign students applying to study in the United States.⁷ Additionally, Executive Order 15513 directed the Attorney General to prevent the enforcement of any state laws that address climate change, affecting the work of climate science professors across the country.⁸

To compel greater adherence to these demands, the Administration froze the research funding of several universities.⁹ To have it restored, some universities entered into settlement agreements with the Administration. Columbia University agreed to pay the federal government \$200 million in response to investigations into alleged antisemitic activity on campus.¹⁰ The University of Pennsylvania also reached an agreement with the Administration in response to a Title IX investigation regarding the participation of transgender athletes at the university. As part of their settlement, the school agreed to adopt and adhere to the government's interpretation of Title IX in exchange for the restoration of \$175 million in funding that had been frozen.¹¹

The university that has drawn the ire of the Trump Administration the most is the country's oldest. On April 3, 2025, Department of Education officials sent Harvard administrators an e-mail with "an official notice of pre-conditions your institution must comply with in order to be in good standing and continue to be the recipient of federal taxpayer dollars."¹² Included were demands for increased safeguards against alleged antisemitism, as well as the dismantlement of all admissions and hiring practices rooted in DEI practices.¹³ On April 11, 2025, the government further demanded that Harvard reform its international student program and report to the federal government "any foreign student who commits conduct violations."¹⁴ When Harvard refused to comply with the demands, the Administration froze \$2.2 billion in multi-year grants.¹⁵ The funding

⁷ Nahal Toosi, *Trump Team Pauses New Student Visa Interviews as It Weighs Expanding Social Media Vetting*, POLITICO, May 2025.

⁸ James Temple, *The Trump Administration Has Shut down More than 100 Climate Studies*, MIT TECHNOLOGY REVIEW, June 2025.

⁹ Zeke Miller & Annie Ma, *Trump Administration Suspends \$175 Million in Federal Funding for Penn over Transgender Swimmer*, AP NEWS, Mar. 19, 2025; *DOJ, HHS, ED, and GSA Announce Initial Cancellation of Grants and Contracts to Columbia University Worth \$400 Million*, U.S. DEPARTMENT OF EDUCATION (Mar. 7, 2025), <http://www.ed.gov/about/news/press-release/doj-hhs-ed-and-gsa-announce-initial-cancellation-of-grants-and-contracts-columbia-university-worth-400-million>; Will Weissert, Cheyanne Mumphrey & Susan Haigh, *Trump Administration Freezes \$1.8 Billion for Cornell and Northwestern*, AP NEWS, Apr. 9, 2025.

¹⁰ Office of the President, *Our Resolution With the Federal Government*, COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK (July 23, 2025), <https://president.columbia.edu/content/our-resolution-federal-government>.

¹¹ J. Larry Jameson, *Penn's Title IX Resolution with the U.S. Department of Education Office for Civil Rights*, PENN TODAY (July 1, 2025), <https://penntoday.upenn.edu/announcements/penns-title-ix-resolution-us-department-education-office-civil-rights>.

¹² Andy Rose, *Attacks on Harvard by Trump Administration Have Built for Months. A Timeline of the Dispute*, CNN (Sept. 30, 2025), <https://www.cnn.com/2025/04/26/us/harvard-university-trump-timeline>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Rich Danker, *Joint Task Force Statement Regarding Harvard University*, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Apr. 14, 2025), <https://www.hhs.gov/press-room/anti-semitism-task-force-statement-on-harvard-contracts-grants.html>.

was not restored until September 2025, when, in the context of a lawsuit brought by Harvard, a federal judge ruled its freeze illegal.¹⁶

Unsatisfied with the procured settlements and unsuccessful in their direct attacks on Harvard, the Trump Administration doubled down. In October 2025, the White House sent a letter to nine universities offering priority access to federal funds (a “compact”) and “loosened restraints on overhead costs,” if the universities would agree to the Administration’s education “goals.”¹⁷ These goals included restrictions on definitions of gender, caps on international student admissions, and changing university governance structures to prohibit anything that may “punish, belittle, or even spark violence against conservative ideas.”¹⁸ Many of those universities have rejected the offer. While universities are standing their ground against political proposals, they are under financial pressure due to funding cuts. Universities have filed lawsuits to overturn federal policies that terminated up to seven thousand grants from the National Institute of Health (“NIH”) and the National Science Foundation (“NSF”), but litigation is a time-consuming process.¹⁹

The scope of the attack on universities is thus evident from the public record. This report explores one aspect of the impact of that attack, finding an observable chilling effect on faculty and researcher exercise of protected international human rights as a result of the above-mentioned policies. The executive orders and a range of other actions are fostering an environment of fear and paranoia in higher education. Administrators and faculty are modifying curricula. Research proposals have been modified to avoid disfavored language. Academics have fled or are considering fleeing the country, while foreign academics are deciding not to come to the United States for hosted events. Some fear losing their jobs. Others fear losing funding for their research or their residency status, or fear detention at border crossings or in their daily lives in the United States.²⁰ The behavior is different from those academics who have reported self-censorship out of perceived social pressure from peers.²¹ The current pressure is coming from the coercive powers of government and law enforcement – and the consequences for not accommodating it are in the headlines nearly every day.

¹⁶ President and Fellows of Harvard College v. US Department of Health and Human Services (D. Mass. 2025). See docket at <https://www.courtlistener.com/docket/69921962/president-and-fellows-of-harvard-college-v-us-department-of-health-and-/>.

¹⁷ Michael C. Bender, *Trump Administration Asks Colleges to Sign ‘Compact’ to Get Funding Preference*, THE N.Y. TIMES (Oct. 2, 2025).

¹⁸ *Id.*

¹⁹ Noem Ross et al., *Grant Witness*, GRANT WITNESS, <https://grant-witness.us/> (last visited Nov. 20, 2025); Jaweed Kaleem, *Judge Orders Hundreds of UCLA Grants Restored*, CXLIV THE LOS ANGELES TIMES, Aug. 14, 2025, at A14.

²⁰ The California Student Journalism Corps, *International Students in California Grapple with Fear of Deportation, Visa Applications*, EDSOURCE, (Oct. 2, 2025) <https://edsource.org/2025/international-students-in-california-grapple-with-fear-of-deportation-visa-applications/741960>.

²¹ See Nathan Honeycutt, *Silence in the Classroom: The 2024 FIRE Faculty Survey Report*, THE FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION, <https://www.thefire.org/sites/default/files/2024/12/Faculty-Report-2024-Final.pdf> (last visited Dec. 1, 2025).

Beyond these concrete chilling effects, the policies of the past year intrude upon the globally recognized right to science.²² Examples abound: grants terminated or denied because the term “diversity” or “human rights” is used in the proposal;²³ previously secured funding halted because a collaborator is based in China;²⁴ longstanding annual reports halted and work product disappeared from public view;²⁵ books on science removed from public libraries because of the author’s gender identity;²⁶ data available for public and research access scrubbed from the internet, replaced with the now telltale, “Error 404: Page Not Found” in its wake.

This report roots its analysis in the legal norms found in international human rights law, rather than domestic law, in order to establish the global context in which the Trump administration’s attacks on academic freedom and university autonomy may be understood. The report goes beyond textual interpretations of the law by drawing on twelve interviews the authors conducted during the fall of 2025, weaving those interviews into the discussion. The report thus begins by establishing the basic human rights law norms that protect and promote academic freedom and university autonomy as a component of it. It then examines the ways in which Trump administration policies impose restrictions on academic freedom as a human right, with a particular focus on how researchers and faculty are responding through self-censorship and other evidence of chilling effects. We conclude with several questions that should be posed to the administration to protect the right to academic freedom.

Part II: International Legal Framework

A. How Human Rights Law Guarantees Academic Freedom

Academic freedom operates as “an independent and interdependent human right, which enables the exercise of a series of other rights.”²⁷ As such, violations of academic freedom should

²² “The States Parties to the present Covenant recognize the right of everyone . . . to enjoy the benefits of scientific progress and its applications.” International Covenant on Economic, Social and Cultural Rights, art. 15, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR]. The United States is not a party to the ICESCR.

²³ Rachel Treisman, *Almost All of the Fulbright Board Resigns, Citing Trump Administration Interference*, NPR, June 12, 2025.

²⁴ Interview #4121 (Faculty), Nov. 13, 2025. Interview citations include assigned anonymized numbers corresponding to each interviewee.

²⁵ Chris Baraniuk, *Inside the Desperate Rush to Save Decades of US Scientific Data from Deletion*, Apr. 23, 2025; Interview #3657 (Researcher), Nov. 6, 2025.

²⁶ Department of Defense, *List of Removed Books from Nimitz Library*, (2025), <https://media.defense.gov/2025/Apr/04/2003683009/-1/-1/0/250404-LIST%20OF%20REMOVED%20BOOKS%20FROM%20NIMITZ%20LIBRARY.PDF>.

²⁷ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), DECLARATION OF INTER-AMERICAN PRINCIPLES ON ACADEMIC FREEDOM AND UNIVERSITY AUTONOMY (2021).

be considered specific human rights harms.²⁸ There are two primary components to academic freedom: institutional autonomy and individual rights.

Institutional autonomy includes the self-governance necessary for institutions to pursue effective decision-making in relation to academic work, standards, management and related activities.²⁹ Institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible.³⁰

Individual rights for the members of academic communities include the freedom to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing.³¹ Academic freedom includes the freedom to express opinions about one's institution, fulfill one's functions without discrimination or repression, participate in professional academic bodies, and enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction.³²

Regarding freedom of expression, members of the academic community have the freedom to develop, express, apply and engage with a diversity of knowledge within or related to their fields of expertise or of study, whether inside ("intramural expression") or outside the academic community, including with the public ("extramural expression").³³ Common restrictions on intramural speech involve placing "requirements for state pre-approval of publications, event programs, or course content on political or ideological grounds."³⁴ State interference can also resemble mandatory requirements for political or ideological courses or content, and prohibitions, stated or in practice, on research, teaching or discussion of certain topics.³⁵ Interference with extramural expression can involve a university administration limiting researchers' abilities to share information with the public.³⁶ Scholars can also face threats, intimidation, or retaliation for sharing information.³⁷ To protect such expression, state governments and educational institutions may reference *Principles for Implementing the Right to Academic Freedom*, published by Scholars

²⁸ David Kaye, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Freedom of Expression and Academic Freedom*, U.N. Doc. A/75/261 (July 28, 2020).

²⁹ Implementation of the International Covenant on Economic, Social and Cultural Rights: General Comment no. 13 (21st session, 1999): the right to education (article 13 of the Covenant), U.N. Doc. E/C.12/1999/10, (December 8, 1999).

³⁰ *Id.*

³¹ E/C.12/1999/10, *supra* note 29.

³² *Id.*

³³ Farida Shaheed, *Academic Freedom: Report of the Special Rapporteur on the Right to Education*, U.N. Doc. A/HRC/56/58, (June 27, 2024).

³⁴ WORKING GROUP ON ACADEMIC FREEDOM, PRINCIPLES FOR IMPLEMENTING THE RIGHT TO ACADEMIC FREEDOM 11, <https://www.scholarsatrisk.org/principles/> (last visited Sept. 21, 2025).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

at Risk in 2024 in an effort to strengthen the monitoring and protection mechanisms for academic freedom.³⁸

A human rights-oriented approach to academic freedom came through in interviews with faculty. One interviewee emphasized that academic freedom manifests as “being able to investigate and look and critique deeply a range of different issues,”³⁹ even when their research “challeng[es] the authority and power of large institutions, including institutions you’re a part of.”⁴⁰ From the research and scholarly perspective, “academic freedom means that . . . one can pick a variety of research questions, and . . . not be unfairly punished for going in those directions . . . to be able to answer important but tough and potentially sensitive research questions.”⁴¹ These issues are “of critical importance to the nation, not just to a particular government, but to all of us, to U.S. citizens, to everyone on the planet.”⁴²

Similar to “academic freedom,” there exists no singular definition of “chilling effects” and “chilled speech” in international law. For purposes of clarity, this report refers to the definition provided by The Global Freedom of Expression project at Columbia University. That project examined case law across the world to better construct an image of what chilling looks like within an international law framework.⁴³ According to the authors, international law describes “chilling effects” as “[s]tate actions or laws that impose vague restrictions, excessive costs, or disproportionate penalties” or otherwise, “deterrence mechanisms that undermine freedom of expression by creating fear and uncertainty, leading to self-censorship.”⁴⁴

Academic freedom is grounded in four international law instruments: two foundational declarations (i.e. the 1948 Universal Declaration of Human Rights (“UDHR”) and the 1948 American Declaration of Human Rights), and two treaties (i.e. the 1966 International Covenant for Civil and Political Rights (“ICCPR”), and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”). The United States ratified the ICCPR in 1992. Arguably, the two declarations and the ICESCR, if not in their entirety, at least in the relevant articles by now have acquired status of customary international law.

The ICCPR encompasses many of the individual activities required to exercise academic freedom such as freedom of thought and freedom of opinion and expression, guaranteed under

³⁸ SCHOLARS AT RISK, PRINCIPLES FOR IMPLEMENTING THE RIGHT TO ACADEMIC FREEDOM (2024).

³⁹ Interview #3768 (Faculty), Oct. 6, 2025.

⁴⁰ *Id.*

⁴¹ Interview #3222 (Faculty), Oct. 27, 2025.

⁴² Interview #5963 (Researcher) Thursday, Oct. 16, 2025.

⁴³ Anderson J. Dirocie De León, Juan Manuel Ospina Sánchez, & Lautaro Furfaro, *Chilling Effect on Freedom of Expression: Regional Human Rights Courts Perspective*, (2025), <https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2025/08/Factsheet-Chilling-Effect-Final.docx.pdf>.

⁴⁴ *Id.*

Articles 18 and 19, respectively.⁴⁵ Additionally, research investigations and collaborative efforts require the right to privacy guaranteed under Article 17,⁴⁶ freedom of association guaranteed under Article 22,⁴⁷ and freedom of movement guaranteed under Article 11.⁴⁸

The UDHR and ICESCR explicitly promote and guarantee the right to education, in Articles 26 and 13, respectively. In a recent statement on academic freedom, the UN Special Rapporteur on education stated that the right to education encompasses the right to learn, right to lifelong learning, right to free quality education, right to equitable and inclusive education, right to participate in educational life, right to public education, right to educational freedoms, and right to be safe in education.⁴⁹

Additionally, the right to education, and academic freedom more broadly, have force as a cultural right. This means that each person has the right to “access all of the cultural resources necessary to freely follow a process of identification; experience mutually rewarding lifelong relations; deal with the crucial challenges facing the world; and engage in practices that make it possible to take ownership of, and contribute to, cultural resources.”⁵⁰

The UDHR and ICESCR also codify the right to benefit from progress in science and its applications (also known more succinctly as the “right to science”). Under Article 27 of the UDHR, everyone has the right “to enjoy the arts and to share in scientific advancement and its benefits.”⁵¹ Under Article 15 of the ICESCR, everyone has the right “to enjoy the benefits of scientific progress and its applications.”⁵² The right to science includes two interdependent concepts: access and participation. Access to knowledge, data, technology, and applications allows full and inclusive participation in science.⁵³ Additionally, the right to “benefit” from science includes the material results of the applications of scientific research, the scientific knowledge and information deriving directly from scientific activity, and the role of science in forming critical and responsible citizens who are able to participate fully in a democratic society.⁵⁴

⁴⁵ International Covenant on Civil and Political Rights, art. 19, Dec. 16, 1966, 999 U.N.T.S. 171, [hereinafter ICCPR]

⁴⁶ ICCPR at art. 17.

⁴⁷ ICCPR at art. 22.

⁴⁸ ICCPR at art. 11.

⁴⁹ Farida Shaheed, *Securing the Right to Education: Advances and Critical Challenges: Report of the Special Rapporteur on the Right to Education*, ¶23, U.N. Docs. A/HRC/53/27, (June 17, 2023).

⁵⁰ *Id.* at ¶26.

⁵¹ Universal Declaration of Human Rights, art. 27, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948).

⁵² International Covenant on Economic, Social and Cultural Rights, art. 15, Dec. 16, 1966, 993 U.N.T.S. 3

⁵³ Alexandra Xanthaki, *Right to Participate in Science: Report of the Special Rapporteur in the Field of Cultural Rights*, ¶33-34, U.N. Doc. A/HRC/55/44, (February 21, 2024).

⁵⁴ GENERAL COMMENT NO. 25 (2020) ON SCIENCE AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ARTICLE 15 (1) (B), (2), (3) AND (4) OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS) (UN. Committee on Economic, Social and Cultural Rights (67th sess. : 2020 : Geneva) ed., 30), <https://digitallibrary.un.org/record/3899847>.

Certain fundamental human rights that form the basis of academic freedom are absolute, such as freedom of thought and freedom of opinion.⁵⁵ Such rights may not be restricted by law or other source of authority.⁵⁶ Otherwise, restrictions on human rights such as the freedom of expression are subject to a three-part test comprising (1) legality, (2) legitimacy, (3) necessity and proportionality.⁵⁷ The state has the obligation to justify any restriction on human rights based on these standards.

B. Academic Freedom as a Shared Responsibility

The guarantee of academic freedom is a shared responsibility among states, government officials, departments, and agencies, and participants in higher education.⁵⁸ The academic profession has a responsibility to society and to the aims of education, including the obligation “to seek truth, impart information according to ethical and professional standards, and to respond to contemporary problems and needs of all members of society.”⁵⁹ Members also have a duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination.⁶⁰

The aims of education are outlined in the International Convention on Economic, Social, and Cultural Rights (ICESCR).

Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups ⁶¹

Within academic freedom, the right to science also requires a shared responsibility. The right to science obligates members of the scientific community to act with integrity and comply with their fields’ standards and ethics. Additionally, states have normative obligations to respect and protect the right to science, including: removing barriers to ensure effective participation;⁶²

⁵⁵ A/75/261, ¶15.

⁵⁶ *Id.*

⁵⁷ A/75/261, *supra* note 28.

⁵⁸ WORKING GROUP ON ACADEMIC FREEDOM, PRINCIPLES FOR IMPLEMENTING THE RIGHT TO ACADEMIC FREEDOM 8, <https://www.scholarsatrisk.org/principles/> (last visited Sept. 21, 2025).

⁵⁹ Farida Shaheed et al., *Letter Sent to MIT* (2025), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29849>.

⁶⁰ E/C.12/1999/10, *supra* note 29.

⁶¹ ICESCR, art. 13.

⁶² XANTHAKI, *supra* note 53 at ¶14.

ensuring the diffusion of scientific knowledge;⁶³ and fulfilling scientific responsibility by enabling, reinforcing, supplementing, monitoring, and correcting the scientific community's practices.⁶⁴

Part III: The Impact of Trump Administration Policies

A. Introduction

In recent decades, higher education in the United States has enjoyed a substantial amount of government support and autonomy. U.S. Supreme Court Justice Felix Frankfurter reflected an emerging conventional view of higher education in 1957 when he wrote, in a concurrence, that “the dependence of a free society on free universities”.⁶⁵ Members of the academic community with whom we spoke shared a perception of academic freedom that often echoed the principles of international human rights law while also shaped by individual experiences and responsibilities as educators and researchers. As educators, one interviewee noted, professors exercise academic freedom in “how they teach, how they get at those learning objectives . . . without influence.”⁶⁶ In order to foster a collaborative environment, another noted, educators seek to “encourag[e] students to . . . have them voice their opinions.”⁶⁷ This type of academic freedom, another said, empowers everyone to “grow and . . . have a more connected [academic] community.”⁶⁸

In our research, we have found that the chilling effects experienced by some academics may derive from both federal and state action. Federal and state authorities have adopted various, often reinforcing policies to impose pressures on higher education. Federal government policies have received the most attention in the press, but the impact of state policies should not be overlooked. This section illustrates that in 2025, interference in academic freedom came from both levels, with key actors reinforcing the pressures on higher education, the federal government often engaging in financial and legal coercion and state governments engaging in legislative and other pressures.

⁶³ Cesare Romano & Andrea Boggio, *The Right to Benefit from Scientific Progress*, in *THE HUMAN RIGHT TO SCIENCE: HISTORY, DEVELOPMENT, AND NORMATIVE CONTENT 0* (Cesare Romano & Andrea Boggio eds., 2024), <https://doi.org/10.1093/law/9780197768990.003.0012>.

⁶⁴ Cesare Romano & Andrea Boggio, *The Right to Responsible Scientific Progress (Scientific Responsibility)*, in *THE HUMAN RIGHT TO SCIENCE: HISTORY, DEVELOPMENT, AND NORMATIVE CONTENT 0* (Cesare Romano & Andrea Boggio eds., 2024), <https://doi.org/10.1093/law/9780197768990.003.0010>.

⁶⁵ *Sweezy v. New Hampshire*, 354 U.S. 234, 261 (1957).

⁶⁶ Interview #3222 (Faculty), Oct. 27, 2025.

⁶⁷ Interview #8900 (Student-Teacher), Oct. 27, 2025.

⁶⁸ Interview #3768, *supra* note 39.

B. How Federal and State Authorities Have Increased Pressure on Higher Education: A General Overview of the Methods Used

According to one of the architects of Trump administration policy, the goal is to put universities in a feeling of “existential terror.”⁶⁹ In regards to placing pressure on universities, the goal is “putting the universities into contraction, into a recession, into declining budgets, into a greater competitive market pressure, would discipline them in a way that you could not get through administrative oversight”⁷⁰ Per our discussion below, this reasoning has appeared to serve as a driving force behind federal interference in higher education and has had marked effects on the faculty within these a wide range of academic institutions. As part of our discussion, this report draws from interviews with academics from across the country and the anecdotes and insights they provided.

1. Financial pressure by the federal government

Established in 1979, the U.S. Department of Education coordinates and consolidates federal support for public education. It does so by issuing policy guidelines, distributing funds, and monitoring compliance with civil rights legislation.⁷¹ Since Donald Trump’s inauguration, the federal government has proposed to significantly decrease the budget for the Department of Education (DOE),⁷² fired hundreds of employees,⁷³ and re-delegated its responsibilities to other federal agencies in its attempt to ultimately dissolve the entire department.⁷⁴ The executive orders noted above combine with the actions against the DOE to impose a range of threats to institutions of higher education, placing demands on universities that they eliminate DEI programs, end transgender participation in sports, and terminate work related to anthropogenic climate change. As of January 2026, the Trump administration terminated over 5,000 grants worth over \$2 billion.⁷⁵ While terminations are often connected to non-discrimination and inclusion policies instituted by the universities, often the reasons for terminations are unstated. At the same time, the

⁶⁹ Ross Douthat, *The Anti-D.E.I. Crusader Who Wants to Dismantle the Department of Education*, THE N.Y. TIMES, Mar. 7, 2025 (quoting Christopher Rufo).

⁷⁰ *Id.*

⁷¹ Office of Communications and Outreach (OCO), *An Overview of the U.S. Department of Education: History and Purpose*, U.S. DEPARTMENT OF EDUCATION (Nov. 13, 2025), <http://www.ed.gov/about/ed-overview/an-overview-of-the-us-department-of-education--pg-1>.

⁷² *White House FY 2026 Budget Proposal Targets Education, Science, and Civil Rights Funding*, American Council on Education (May 9, 2026), <https://www.acenet.edu/News-Room/Pages/White-House-FY-2026-Budget-Proposal.aspx>.

⁷³ Michael C. Bender & Dana Goldstein, *Education Department Fires 1,300 Workers, Gutting Its Staff*, N. Y. Times, Mar. 11, 2025.

⁷⁴ Office of Communications and Outreach (OCO), *U.S. Department of Education Announces Six New Agency Partnerships to Break Up Federal Bureaucracy*, U.S. DEPARTMENT OF EDUCATION (Nov. 18, 2025), <http://www.ed.gov/about/news/press-release/us-department-of-education-announces-six-new-agency-partnerships-break-federal-bureaucracy>.

⁷⁵ Noam Ross & Scott Delaney, *Grant Witness*, GRANT WITNESS, <https://grant-witness.us/nih-data.html> (last visited Jan. 23, 2026).

National Institutes of Health (NIH), the largest public funder of biomedical research with a major relationship with higher education, has indicated under Trump policies that it no longer supports any research with the goal to combat health-related “misinformation,” “disinformation,” or “malinformation.”⁷⁶ Health research focused on sexual and gender minorities or racial and ethnic groups has also been defunded as well as grants that promoted STEM careers for underrepresented minorities.⁷⁷

A glance at the website for one of the most important federal grant-making institutions, the National Science Foundation (NSF), provides an explanation for their blanket slashing: “NSF has always established priorities within the policy context set forth by Congress, the Administration and the Director of NSF, and it continues to do so.”⁷⁸ The NIH, funded by Congress, has also been known to modify its research priorities to align more with administration politics lest it risk funding cuts as illustrated in later examples. Yet, despite this history, the Trump administration is different. According to interviewees – some of whom have been academics or health professionals for several decades – the difference is seen in the individual targeting and lack of coordination between the government and the industries it is impacting. An interviewee who worked as a physician during the AIDS epidemic and Ronald Reagan’s administration in the 1980s noted how public health policy faced similar challenges to what we are seeing today, but enough pressure from the public and federal officers pushed President Reagan to establish the HIV/AIDS Commission and Congress to grant additional funding toward researching the disease.⁷⁹ No such cooperation, this interviewee noted, seems likely in the near future.

Climate scientists have also previously received pushback on their work, especially during the George W. Bush administration.⁸⁰ However, comparisons of Bush and Trump policies illustrate a more broadly sweeping attack on climate science by the Trump administration not previously exhibited by the Bush administration, whose primary concern was studies reporting human impacts on climate.⁸¹ Indeed, the Trump administration has addressed not only research but the work of the National Oceanic and Atmospheric Association (NOAA).⁸² The term “climate change” has become prohibited in grant applications.⁸³ Climate scientists have been fired from top positions in government agencies.⁸⁴ Speech is even censored within agencies. For example, at the Department

⁷⁶ *Updates on NSF Priorities*, NATIONAL SCIENCE FOUNDATION (July 30, 2025), <https://www.nsf.gov/updates-on-priorities>; Max Kozlov, *Exclusive: Documents Reveal How NIH Will Axe Climate Studies*, NATURE (2025).

⁷⁷ *Id.*; Clare Zhang, *Funding Cuts Hit STEM Career Pipelines*, AIP (May 2, 2025).

⁷⁸ *Updates on NSF Priorities*, U.S. NATIONAL SCIENCE FOUNDATION (July 30, 2025), <https://www.nsf.gov/updates-on-priorities>.

⁷⁹ Interview #1647 (Faculty), Nov. 20, 2025.

⁸⁰ Interview #3657 (Researcher), Nov. 6, 2025.

⁸¹ Interview #3657 (Researcher), Nov. 6, 2025.

⁸² Ella Nilsen, *Trump’s Budget Plan Eviscerates Weather and Climate Research, and It Could Be Enacted Immediately*, CNN (Apr. 11, 2025).

⁸³ Interview #5963, *supra* note 42; Interview #8900, *supra* note 67.

⁸⁴ Rebecca Hersher, *White House Dismisses Authors of Major Climate Report*, NPR, Apr. 29, 2025.

of Energy, the words “climate change,” “green” and “decarbonization” are to be avoided in any public-facing or internal communication.⁸⁵

Additionally, the federal government has purged thousands of government websites and datasets from NOAA, the Environmental Protection Agency, the Centers for Disease Control, and other agencies.⁸⁶ The substantial scale of data erasure has been described by one of our interviewees as “an unmitigated disaster.” Specific to climate change, “the Trump administration not only canceled the newest ongoing [climate] assessment, but they deleted . . . all the previous . . . publicly paid-for assessments.”⁸⁷

Finally, the federal government’s respect for institutional autonomy has been egregiously flouted in the form of its so-called “Compact for Academic Excellence in Higher Education” (“the Compact”). The Compact outlines several policy initiatives the signatories would have to subscribe to, including requiring employees to “abstain from actions or speech related to social and political events.”⁸⁸ Provisions such as these have been cited by legal scholars as unconstitutional on several fronts.⁸⁹ First, the First Amendment forbids the government from discriminating among viewpoints and punishing those who differ from their own.⁹⁰ Second, the provision in the Compact regarding the withholding of research funds is in violation of the Separation of Powers doctrine as outlined in the Constitution.⁹¹ There is no constitutional provision expressly allowing the executive branch to place conditions on research funding granted by Congress. Finally, the Compact expands the limits of current federal law by prohibiting discrimination of “proxies” to traditionally protected classifications such as sex, race, ethnicity, or nationality, going beyond present existing case law in place as their protections.⁹² This letter was sent to nine universities across the country, and signatories were promised multiple “benefits” such as “increased overhead payments . . . substantial and meaningful federal grants, and other federal partnerships.”⁹³ Non-compliance

⁸⁵ Zack Colman, *Energy Dept. Adds ‘Climate Change’ and ‘Emissions’ to Banned Words List*, POLITICO (Sept. 28, 2025).

⁸⁶ *Id.*

⁸⁷ Interview #3657, *supra* note 25.

⁸⁸ U.S. Department of Education, *Compact for Academic Excellence in Higher Education*, 4 (2025), <https://www.washingtonexaminer.com/wp-content/uploads/2025/10/Compact-for-Academic-Excellence-in-Higher-Education-10.1.pdf>.

⁸⁹ Amanda Shanor & Serena Mayeri, *A Brief Legal Analysis of the Department of Education’s Proposed Compact for Higher Education*, KNIGHT FIRST AMENDMENT INSTITUTE (Oct. 15, 2025), <http://knightcolumbia.org/blog/a-brief-legal-analysis-of-the-department-of-educations-proposed-compact-for-higher-education>.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ Josh Moody, *White House Floats Compact for Preferential Treatment*, INSIDE HIGHER ED (Oct. 2, 2025), <https://www.insidehighered.com/news/government/science-research-policy/2025/10/02/white-house-floats-compact-preferential>.

would result in a withdrawal of federal benefits.⁹⁴ As of January of 2026, none of the original Compact recipients had signed it.

2. Legislative restrictions by state governments

While the federal government primarily controls federal funding education in the United States, state governments oversee both state funding and classroom curriculum, typically focused on K-12 education. The level of state control over higher education curriculum varies by state, with greater control resulting in more instances of rights curtailment.

The variety in state governance of university systems is illustrated by education statutes. For instance, Maine has little legislation regarding the workings of the University of Maine system, and the laws they do have reinforce institutional autonomy.⁹⁵ So while university policies at each institution in the University of Maine system must adhere to state law, there exists little state law that dictates the intricacies of university governance. Conversely, the Florida Education Code outlines in detail the rights and responsibilities of the Florida Board of Governors⁹⁶ and curriculum requirements to which the entire Florida system must adhere.⁹⁷

Since 2021, at least twenty bills have passed in state legislatures across the country targeting higher education.⁹⁸ Seven of those bills passed in 2025, more than any of the prior four years. The bills range from directives meant to mirror federal executive orders, such as New Hampshire's HB 2, which prohibits public universities and colleges from "implementing, promoting, or otherwise engaging in any DEI-related initiatives, programs, or policies."⁹⁹ In addition to anti-DEI bills, there are bills created to better align with EO 14188 on combating antisemitism. Kansas Bill SB 44/ HB 2299/ SB 164 is one such bill and it adopts the International Holocaust Remembrance Association's definition of antisemitism as recommended by EO 13899, which was adopted by the first Trump administration in 2019.¹⁰⁰

Other bills implement sweeping and vague language that prohibits engagement of instruction promoting "institutional discrimination," as Wyoming Bill HB 147 dictates, or requires board of trustees to establish new policies denying tenure or promotions to faculty who are "likely, while performing teaching duties within the scope of the faculty member's employment, to subject students to political or ideological views and opinions that are unrelated to the faculty member's

⁹⁴ Kenneth Weyler, *H.B. 2*, (2025), <https://legiscan.com/NH/text/HB2/id/3254745>.

⁹⁵ Me. Rev. Stat. tit. 20-A, § 10902.

⁹⁶ Fla. Stat. Ann. § 1001.02 (West).

⁹⁷ Fla. Stat. Ann. § 1007.25 (West)

⁹⁸ PEN America, *PEN America Index of Educational Gag Orders and Higher Education Restrictions*, <https://airtable.com/appg59iDuPhLLPPFp/shrtwubfBUo2tuHyO/tblZ40w5HLBuTK9vs/viw9jaP2CAXfjOCzE> (last visited Jan. 23, 2026).

⁹⁹ Kenneth Weyler, *H.B. 2*, (2025), <https://legiscan.com/NH/text/HB2/id/3254745>.

¹⁰⁰ S.B. 44, 2025 Leg., Reg. Sess. (Kan. 2025); Exec. Order No. 13899, Fed. Reg. Doc. 2019-27217

academic discipline or assigned course of instruction,” as indicated by Indiana SB 202.¹⁰¹ By the end of 2025, 600 bills were pending, affecting postsecondary education spanning across fifteen states.¹⁰²

C. The Chilling Effect that Stems from Increased Pressure from Federal and State Governments

Academic freedom has a vital role in maintaining a healthy democracy, societal progress, and an educated population. In our interviews with members of the academic community, concerns about academic freedom consistently arose as it relates to research, teaching, and communicating with the public. We catalogued these issues as related to either intramural or extramural speech, as both forms of speech are protected under human rights law. Interviewees reported on their experiences with explicit and implicit censorship, and its impact on speech in universities across the U.S.

1. Intramural Speech

A. Within the Classroom

Within the US higher education system, there are multiple levels of review for courses. The system can differ based on state, university, college, and department. Our research uncovered different methods to weaken a department, including delisting a course as a general education requirement or limiting the number of tenured faculty teaching in that space.¹⁰³ Increasingly, there is pressure from state lawmakers to review course curricula based on ideological standards. Topics in the humanities have faced the brunt of the pressure,¹⁰⁴ but certain scientific topics are also being censored.

In certain states, the term “climate change” is being erased from education standards. For instance, the education standards for Florida’s public schools do not mention climate change.¹⁰⁵ The term has become so politicized there that some science textbooks had to cut the term “climate change,” despite its well-established use in science, to be used in Florida’s classrooms.¹⁰⁶ Similar strategies have been adopted elsewhere, such as Iowa, where the science standards lack important

¹⁰¹ Spencer Deery, Jeff Raatz, & Tyler Johnson, *S.B. 202*, (2024), <https://legiscan.com/IN/text/SB0202/id/2946990>.

¹⁰² *Postsecondary Legislation Database*, NATIONAL CONFERENCE OF STATE LEGISLATURES (Jan. 5, 2026), <https://www.ncsl.org/education/postsecondary-legislation-database>.

¹⁰³ Interview #8001 (Faculty) Oct. 29, 2025 (2025).

¹⁰⁴ Emma Whitford, *Texas Systems Review Course Descriptions, Syllabi, as Critics Scrutinize Them*, INSIDE HIGHER ED (Oct. 9, 2025).

¹⁰⁵ Renée Cho, *Climate Education in the U.S.: Where It Stands, and Why It Matters*, STATE OF THE PLANET (Feb. 9, 2023).

¹⁰⁶ *Textbook Authors Told Climate Change References Must Be Cut to Get Florida’s OK*, ORLANDO SENTINEL (Jul. 5, 2024).

information about climate change.¹⁰⁷ The Coast Guard Academy reportedly erased “climate change” from its curricula.¹⁰⁸

As a result, one professor found that students coming from Florida schools had not “received any critical instruction . . . on climate change.”¹⁰⁹ Moreover, even when educators discuss the subject, the quality of the classes may be lacking. As another professor noted, “I realized that nobody was really teaching the undergraduates floor-to-ceiling comprehensive courses in climate change.”¹¹⁰

Faculty also reported an erosion of comfort in expressing their thoughts and opinions on campus. State laws specifically targeting the content of in-class discussion has led to an “erosion of trust,” notes one professor.¹¹¹ According to them:

“[M]y faculty are . . . very nervous about what to say in the classroom, how much about certain topics. I know that the faculty have censored some of the topics that they've taught previously in the classroom. [T]hey've told me this directly. They've said, ‘I'm not going to teach this unit on X,’ or ‘I'm not going to teach this unit on Y,’ . . . because they're concerned.”¹¹²

This attitude is not unique. Response to laws like those passed in Ohio, Idaho, and Indiana – outlawing discussion of topics like critical race theory, diversity, equity, and inclusion (DEI) practices, gender, and any other “controversial topic”— has resulted in reports of self-censorship across universities.¹¹³ This means “altered assignments, a reluctance to teach current events, and a constant awareness that a stray remark could sink a professor’s career prospects.”¹¹⁴ At the federal level, the threat of losing funding looms over the classroom. Professors have modified their teaching and curriculum on issues such as hormone use during gender transitions or racism in pain management.¹¹⁵

¹⁰⁷ Jackson Valenti, *Iowa Approves New Science Standards Leaving out Key Details about Climate Change*, KCRG (May 9, 2025).

¹⁰⁸ Marianne Lavelle, *US Coast Guard Academy Censors ‘Climate Change’ From Its Curriculum*, INSIDE CLIMATE NEWS (Mar. 7, 2025).

¹⁰⁹ Interview #5083 (2025).

¹¹⁰ *Id.*

¹¹¹ Interview #3222, *supra* note 41.

¹¹² *Id.*

¹¹³ Hannah Natanson, Lauren Tierney & Clara Ence Morse, *Which States Are Restricting, or Requiring, Lessons on Race, Sex and Gender*, THE WASHINGTON POST, Apr. 4, 2024.

¹¹⁴ Christa Dutton, *How One State’s ‘Intellectual Diversity’ Law Has Changed Professors’ Teaching*, THE CHRONICLE OF HIGHER EDUCATION (Mar. 5, 2025).

¹¹⁵ *American Association of University Professors v. Trump* (N.D. Cal 2025). See docket at <https://www.courtlistener.com/docket/71360200/american-association-of-university-professors-v-trump/>.

Deterrence mechanisms, such as loss of funding and jobs, have fostered a culture of fear that undermines freedom of expression and effectively chills intramural speech.¹¹⁶ Censoring curricula, limiting research, and filtering speech all affect the quality of students' education and inform the decision they make for their careers. One educator wondered, "How many organizers or activists are we . . . missing out on, as a result of this censorship to our education?"¹¹⁷

The right to an education as a cultural right means that each person has the right to "deal with the crucial challenges facing the world."¹¹⁸ "Climate change is a human rights crisis,"¹¹⁹ and arguably one of the biggest global challenges of this century and the foreseeable future. It is considered a threat to human well-being and planetary health. There is also a rapidly closing window of opportunity to "secure a livable and sustainable future for all."¹²⁰ Educators recognize the importance of climate literacy, yet they are limited in their ability to choose materials when course objectives and textbooks erase the topic.

When the government limits access to climate education through censoring curricula and limiting classroom discussions, it violates students' right to education. Given the varying degrees of censorship from state-to-state, the impact will disproportionately affect students who reside in states that limit academic freedom.

Climate education should be consistent with states' human rights obligations such as "principles of participation and information, transparency, accountability, (intergenerational) equity and non-discrimination."¹²¹ Limiting climate education places people at a disadvantage from benefitting from climate adaptation and mitigation technology.

B. Within Research

In response to the mass deletion of websites and public datasets, researchers are working to "preserve where we are right now so that whenever we can, we can come back . . . and be able to further things along."¹²² These efforts are critical to protect knowledge, especially for non-public research datasets. However, preservation is not the same as progression. Erasing public knowledge

¹¹⁶ Anderson J. Dirocie De León, Juan Manuel Ospina Sánchez, and Lautaro Furfaro, *supra* note 40.

¹¹⁷ Interview #8900, *supra* note 67.

¹¹⁸ SHAHEED, *supra* note 49 at ¶26.

¹¹⁹ Mary Lawlor, *Tipping Points: Human Rights Defenders, Climate Change and a Just Transition: Note*, ¶1 (Jul. 4, 2025) U.N. Docs. A/80/114.

¹²⁰ KATHERINE CALVIN ET AL., CLIMATE CHANGE 2023: SYNTHESIS REPORT. (First ed. 2023), <https://www.ipcc.ch/report/ar6/syr/>.

¹²¹ XANTHAKI, *supra* note 53 at ¶14.

¹²² Interview #3768, *supra* note 39.

can stunt scientific progress for decades.¹²³ This impacts research on critical issues, like vaccine or cancer misinformation.¹²⁴

To get around the potential consequences of lost research funding related to particularly disfavored subjects, researchers have reported that they have begun to censor their own speech or that they have been recommended to do so. One interviewee was advised by a mentor to swap out or remove all mentions of “climate change” in their research pertaining to the California drought.¹²⁵ Another was informed by their grant program officer that they would not receive their two-year grant unless the word “misinformation” was scrubbed from their grant proposal.¹²⁶ One researcher noted that “the ideas that [researchers] are coming up with [now] are more and more conservative and less focused on . . . optimal health for all people.”¹²⁷ In order to receive funding, researchers mentioned modifying or excluding certain words from their proposals, essentially “whitewashing proposals.”¹²⁸

When the government defunds or puts other kinds of pressures on academics because of the use of specific words or concepts like misinformation or climate change, academic freedom is gravely at risk. These actions violate the right to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing.¹²⁹ They also violate the right to freedom of thought and freedom of opinion and expression under the ICCPR.¹³⁰

In some cases, the problem is not the words used in the proposal, but a collaborator’s national origin. One professor at a private university noticed a delay in their yearly funding notice, despite it only being year three of the five-year grant. After inquiring, they were informed that the notice of funding was delayed because the original grant proposal was in collaboration with a scientist based in China.¹³¹ Once this professor explained that the collaborator was a U.S. citizen who happened to be based in China at the time the proposal was submitted, the funding notice was issued.¹³²

¹²³ Justin Evans, *Trump Is Burning Down the Modern-Day Library of Alexandria*, US NEWS & WORLD REPORT (Jun. 16, 2025).

¹²⁴ Irena Hwang et al., *The Gutting of America’s Medical Research: Here Is Every Canceled or Delayed N.I.H. Grant*, THE N.Y. TIMES, Jun. 4, 2025.

¹²⁵ Interview #8900, *supra* note 67.

¹²⁶ Interview #3222, *supra* note 41.

¹²⁷ Interview #3768, *supra* note 39.

¹²⁸ *Id.*; Interview #3222, *supra* note 41.

¹²⁹ E/C.12/1999/10, *supra* note 29 at 13.

¹³⁰ ICCPR at art. 19.

¹³¹ Interview #4121, *supra* note 24.

¹³² *Id.*

Sometimes, one interviewee suggested, “the real issue is that [the applicant] is Black or Latinx or Native. That is the problem with the grant.”¹³³ This can be particularly devastating for younger researchers who participated in DEI programs.¹³⁴ For current graduate students, “[t]he work it takes to put a grant proposal together and get communities on board, and to start recruitment . . . and then grants get terminated. [T]he damage is done. . . I feel there are going to be fewer people going into research careers for this reason.”¹³⁵ Among the canceled grants were those promoted STEM careers for underrepresented minorities. These activities included creating inclusive curricula, developing after-school programs, and shaping students’ professional identity formation with a focus on women and Black and Latinx learners.

Discrimination within academia violates the right to access science. States are encouraged to adopt measures to remove barriers and “ensure the effective participation of marginalized and vulnerable sectors of the population, including minorities, migrants, individuals in rural and remote areas and those living in poverty and socioeconomically deprived situations.”¹³⁶

2. Extramural Speech

Faculty interviewees also reported impacts on their work outside of the classroom. Extramural expression falls within the right to freedom of expression while also occupying a space in academic freedom. According to one interviewee, the difference between exclusively exercising freedom of speech outside the classroom and exercising academic freedom outside of the classroom can be determined by examining content and purpose. “There’s a distinction between educating the public about the science and having an opinion about policy,” he states. “So this gets to a difficult question that scientists have always had to wrestle with, which is, what are the rights and responsibilities of scientists to speak out on issues of public policy? Many scientists are uncomfortable with that. Universities rarely support that.”¹³⁷

Yet members of the academic community have the obligation “to seek truth, impart information according to ethical and professional standards, and to respond to contemporary problems and needs of all members of society.”¹³⁸ Similarly, according to the American Geophysical Union, scientists have rights and responsibilities to the public inclusive of the “right to freely express results of research at scientific meetings, in scientific literature, and in the media

¹³³ Interview #3768, *supra* note 39.

¹³⁴ Interview #1647, *supra* note 79.

¹³⁵ Interview #3222, *supra* note 41.

¹³⁶ XANTHAKI, *supra* note 53 at ¶92.

¹³⁷ Interview #3657 (Researcher), Nov. 6, 2025.

¹³⁸ Farida Shaheed et al., *Letter Sent to MIT*, *supra* note 59.

without impediment, harassment, threat, or retaliation.”¹³⁹ Despite this, interviewees explained that researchers are receiving pushback of all types with respect to their extramural speech.

The pressure not to engage with the public may be subtle. For example, an interviewee who held a prior stint in a research institution in the southern United States noticed that their newly published work related to diversity in higher education was not advertised anywhere under “research news” on the institution’s website, as was typical of the school.¹⁴⁰ However, part of the conditions for funding involved such publication, and the interviewee was forced to consult other institutions outside of the state that would be willing to advertise the work. Other examples include increased bureaucratic approval requirements before holding on-campus conferences on certain topics,¹⁴¹ or modifying the slides in your conference presentation, depending on political culture of the state they are presenting in.¹⁴²

Other instances appear more serious and disruptive. A climate scientist has received calls for investigation into them as a result of their participation in a project created to inform judges of the basic science around climate change to be able to understand the climate lawsuits that continue to reach their chambers.¹⁴³ One interviewee declined Fox News’ offer to have them on a broadcast program, fearing that backlash over discussion of their work would put them and their family’s safety at risk.¹⁴⁴ This seems to be a reasonable fear, as another interviewee who works in health security and publishes insights on the COVID-19 pandemic regularly sifts through harassing messages to determine which ones are “just a bunch of swearing” and which ones constitute direct threats.¹⁴⁵

Academic freedom and the right to science entails responsibilities on members of the academic community, specifically the duty to “impart information according to ethical and professional standards.”¹⁴⁶ As a result of harassment they face, scientists cannot fulfill their responsibilities without placing themselves at significant risk.

The U.S. government is failing in its duty to “ensure the diffusion of scientific knowledge.”¹⁴⁷ Without proper mechanisms protecting the safety of scientists, researchers cannot safely share scientific progress or advancements. Universities also share this responsibility. As one

¹³⁹ American Geophysical Union, *Position Statement on Responsibilities of Scientists*, <https://www.agu.org/science-policy/position-statements/rights-responsibilities> (last visited Nov. 9, 2025).

¹⁴⁰ Interview #8001, *supra* note 103.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ Interview #5963, *supra* note 42.

¹⁴⁴ Interview #8480 (Faculty), Nov. 20, 2025.

¹⁴⁵ Interview #7283 (Faculty), Nov. 7, 2025.

¹⁴⁶ Farida Shaheed et al., *Letter Sent to MIT*, *supra* note 59.

¹⁴⁷ Cesare Romano & Andrea Boggio, *The Right to Benefit from Scientific Progress*, in *THE HUMAN RIGHT TO SCIENCE: HISTORY, DEVELOPMENT, AND NORMATIVE CONTENT 0* (Cesare Romano & Andrea Boggio eds., 2024), <https://doi.org/10.1093/law/9780197768990.003.0012>.

researcher mentioned, “institutional support is really critical because otherwise people are left to handle this type of harassment on their own.”¹⁴⁸

D. Broader Impacts of Attacking Academic Freedom

The impacts of limiting academic freedom can range from the overtly visible, like the loss of job security, to more unseen and unexpected societal effects like lives lost due to vaccine misinformation. Our research identified a few of the most pressing concerns from scholars.

1. Physical Losses

Several interviewees in public health alluded to the possibility that the United States is on the precipice of a health crisis. Already, the United States faces losing its measles elimination status.¹⁴⁹ As a result of loss of grant funding, a reported 383 clinical trials have been impacted, affecting 74,000 patients enrolled.¹⁵⁰ “People are going to start dying as a result of these policies,” said one interviewee who works as a family health physician as well as a professor in public health.¹⁵¹ “The parents are saying . . . you know [Secretary of Health] Robert Kennedy says this vaccine might cause a febrile seizure in my child or may cause autism – maybe we should skip the vaccine. . . they’re not making the calculus of what it would be like to have their child develop polio and be paralyzed the rest of their life . . . there’s nothing to prevent those diseases from returning.”¹⁵²

Even when funding or programs are reinstated, their interruption has a significant impact. Take for example, as one interviewer posits, clinical trials that follow disease progression. “The clinical trial,” they explained, “was meant to be following patients who presented at a certain stage of their disease process . . . you basically have to start all over again in recruiting patients to meet the criteria for the trial. That’s a process that takes one to three years just to get the sample of patients recruited to do the study [and] during all that time all the advances that would have been made in the clinical trial have not occurred.”¹⁵³

Defunding the National Weather Service, NOAA, and all work on climate science will also risk an increase in loss of life and property. “People [will] die,” bluntly stated one interviewee,

¹⁴⁸ Interview #7283, *supra* note 145.

¹⁴⁹ Maria Godoy, *The U.S. Will Likely Lose Its Measles Elimination Status. Here’s What That Means*, NPR, Jan. 31, 2026; Aria Bendix & Erika Edwards, *Measles Outbreak in Arizona and Utah Could Spell the End for U.S. Elimination Status*, NBC NEWS, Nov. 19, 2025.

¹⁵⁰ Vicki Moore, *More Than 74,000 Patients Affected by NIH Grant Terminations, Researchers Report*, CANCER THERAPY ADVISOR (Nov. 20, 2025), <https://www.cancertherapyadvisor.com/news/more-than-74000-patients-affected-by-nih-grant-terminations-researchers-report/>.

¹⁵¹ Interview #1647, *supra* note 77.

¹⁵² *Id.*

¹⁵³ *Id.*

who has worked in climate science for thirty years.¹⁵⁴ Additionally, much of the U.S. economy is vulnerable to weather, but the intensity of natural disasters is only rising.¹⁵⁵ From 2020 to 2024, there has been an average of twenty-three weather events annually with losses exceeding \$1 billion.¹⁵⁶ In comparison, the average from 1980 to 2024 is nine.¹⁵⁷ Accurate and timely forecasting is essential in mitigating loss of life and property.¹⁵⁸ According to a report by the American Meteorological Society, “[r]ecent reductions in staffing and funding across federal agencies threaten the carefully established balance of the enterprise . . . [a] failure of these systems is potentially catastrophic, with gaps in data leading to impacts such as reductions in tornado warning time or increased hurricane landfall uncertainty.”¹⁵⁹

Silencing researchers results in a void of objective, fact-driven research, and limits access to information for the general public, in violation of Article 19 of the ICCPR, which guarantees the right of access to “information and ideas of all kinds.” As one interviewee points out, the hole left by the data and research that is removed and censored from the public is being replaced by “bad science.”

The proliferation of tendentious research over scientifically proven studies, such as the Department of Energy’s Climate Report or the administration’s so-called MAHA Make American Children Healthy Again Report,¹⁶⁰ erodes public trust in science. Practitioners have noted this process is already in action. There has been an erosion of trust between the public and institutions they once believed in – institutions like the Center for Disease Control, or their own pediatrician.¹⁶¹

The state’s failure to protect and promote high quality scientific research constitutes an interference with the obligation to “fulfill scientific responsibility by enabling, reinforcing, supplementing, monitoring, and correcting the scientific community’s practices.”¹⁶² The resulting misinformed actions will have grave impacts. “[T]here is ample evidence that false and misleading

¹⁵⁴ Interview #5963, *supra* note 42.

¹⁵⁵ A.R. CRIMMINS ET AL., FIFTH NATIONAL CLIMATE ASSESSMENT.

¹⁵⁶ Adam B. Smith, *U.S. Billion-Dollar Weather and Climate Disasters, 1980 - Present* (NCEI Accession 0209268), (2020), <https://www.ncei.noaa.gov/archive/accession/0209268>.

¹⁵⁷ *Id.*

¹⁵⁸ Bruno Merz et al., *Impact Forecasting to Support Emergency Management of Natural Hazards*, 58 REVIEWS OF GEOPHYSICS e2020RG000704 (2020).

¹⁵⁹ KEITH SEITTER, EMMA TIPTON & PAUL HIGGINS, WITHOUT A STRONG WEATHER ENTERPRISE AMERICA’S ECONOMIC LEADERSHIP IS AT RISK 5 (2025), <https://www.ametsoc.org/ams/policy/studies-analysis/weather-enterprise-economic-leadership/>.

¹⁶⁰ Steve Benen, *The Trump Administration’s ‘MAHA Report’ Cites Nonexistent Scientific Studies*, MSNBC.COM (May 29, 2025); Julia Simon, *Dozens of Scientists Find Errors in a New Energy Department Climate Report*, NPR, Sept. 2, 2025.

¹⁶¹ Interview #1647, *supra* note 77.

¹⁶² Cesare Romano & Andrea Boggio, *The Right to Responsible Scientific Progress (Scientific Responsibility)*, in THE HUMAN RIGHT TO SCIENCE: HISTORY, DEVELOPMENT, AND NORMATIVE CONTENT 0 (Cesare Romano & Andrea Boggio eds., 2024), <https://doi.org/10.1093/law/9780197768990.003.0010>.

information has a negative impact on human rights, particularly on the enjoyment of scientific progress.”¹⁶³

2. Societal Costs

Political scientists in the United States have raised the alarm about rising authoritarianism.¹⁶⁴ But academic freedom promotes democratic principles and can work to prevent the onset of autocratization.¹⁶⁵ One interviewee lamented, “[W]e are on a road to totalitarianism, wiping away decades, if not centuries of progress. [I]t will take a really long time to recover from.”¹⁶⁶

One of the key precursors to authoritarianism is increased polarization.¹⁶⁷ The trend towards extreme polarization in the US is similarly well-documented.¹⁶⁸ One of the interviewees noted this polarization also occurs within academic spaces, to the detriment of students’ experiences in the classroom.¹⁶⁹ Academic freedom can help create a model in having civil discussions “and being able to probe one another for how they came to certain conclusions without necessarily agreeing, but being able to have that conversation.”¹⁷⁰ Conversely, limiting academic freedom further exacerbates polarization.¹⁷¹

Academic freedom enabled the U.S. to be a global leader in scientific research.¹⁷² Overall, a free and open atmosphere can facilitate information exchange, experimentation, diversity, and creativity, all ultimately stimulating innovation.¹⁷³ Restrictions on academic freedom, including erasing databases, censoring language, and de-funding research, create a climate of fear. People express fear to speak out publicly against the administration due to the “vindictive nature of the way the administration was responding to critics.”¹⁷⁴ Without academic freedom, STEM knowledge production suffers.¹⁷⁵ Universities become limited in pursuing research that could

¹⁶³ Romano and Boggio, *supra* note 63.

¹⁶⁴ Frank Langfitt, *Hundreds of Scholars Say U.S. Is Swiftly Heading toward Authoritarianism*, NPR, Apr. 22, 2025.

¹⁶⁵ Lars Pelke, *Academic Freedom and the Onset of Autocratization*, 30 DEMOCRATIZATION 1015 (2023).

¹⁶⁶ Interview #3768, *supra* note 39.

¹⁶⁷ STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* (First edition ed. 2018).

¹⁶⁸ Shanto Iyengar et al., *The Origins and Consequences of Affective Polarization in the United States*, 22 ANNUAL REVIEW OF POLITICAL SCIENCE 129 (2019).

¹⁶⁹ Interview #3768, *supra* note 39.

¹⁷⁰ *Id.*

¹⁷¹ PAUL BREST & NORMAN W. SPAULDING, *POLARIZATION, ACADEMIC FREEDOM, AND INCLUSION* (2023), <https://law.stanford.edu/publications/polarization-academic-freedom-and-inclusion/>.

¹⁷² David B. Audretsch et al., *Academic Freedom and Innovation*, 19 PLOS ONE e0304560 (2024).

¹⁷³ *Id.*

¹⁷⁴ Interview #1647, *supra* note 79.

¹⁷⁵ Audretsch et al., *supra* note 172.

“advance[] the public good through life-saving healthcare, technological innovation, and developing strategies to address global climate change.”¹⁷⁶

Researchers have already begun to look outside the United States to advance their careers.¹⁷⁷ Meanwhile, applications to U.S. institutions from researchers in Europe has dropped.¹⁷⁸ The shift in the job market indicates the beginning of a brain drain—the migration of educated people leaving their own country to another for better working conditions. The brain drain phenomenon has been noted under authoritarian governments in violation of Art. 15 of ICESR wherein “States are obligated to create conditions conducive to scientific progress, including through the retention of scientific talent and the preservation of institutional capacity.”¹⁷⁹

Part IV: Conclusion

Academic freedom is at risk in the United States. In this report, we have sought to examine not only how Trump administration policies are inconsistent with norms of academic freedom as a matter of international law. We have sought to begin an examination of how those policies, in tandem with state-level actions, are having negative impacts on academics themselves. This report should be seen as a first step in understanding the trajectory of academic freedom over the coming years. In particular we urge further research to explore the following questions, inspired in part by the *Principles for Implementing the Right to Academic Freedom* by Scholars at Risk.¹⁸⁰

- Is academic freedom adequately protected in practice (de facto protection)? Do staff or students feel comfortable speaking openly, or is there evidence of self-censorship? How do universities protect professors if they face threats, intimidation, or retaliation for exercising academic freedom, directly or indirectly?
- Do State officials and education leaders respect the autonomy of education institutions? Do they ensure the security and integrity of education institutions and persons?
- Do systems of financing safeguard academic freedom and institutional autonomy from undue influence, pressure, restrictions, or retaliations by sources of financial support? How stable and predictable is funding? Are the processes for changing education funding or

¹⁷⁶ Frank Fernandez & Neal Hutchens, *Restrictions on US Academic Freedom Affect Science Everywhere*, 9 NAT. HUM. BEHAV. 1303 (2025).

¹⁷⁷ Laurie Udesky & Jack Leeming, *Exclusive: A Nature Analysis Signals the Beginnings of a US Science Brain Drain*, NATURE (2025), <https://www.nature.com/articles/d41586-025-01216-7>.

¹⁷⁸ *Id.*

¹⁷⁹ Alena Douhan, *Impact of Unilateral Coercive Measures on the Right to Education and Other Academic Rights: Note*, ¶49 (2025), <https://digitallibrary.un.org/record/4087235>.

¹⁸⁰ WORKING GROUP ON ACADEMIC FREEDOM, PRINCIPLES FOR IMPLEMENTING THE RIGHT TO ACADEMIC FREEDOM, <https://www.scholarsatrisk.org/principles/> (last visited Sept. 21, 2025).

related policies clear and transparent, with adequate time for public consultation and debate?

- Are rules and practices for determining academic, research, and teaching content, curricula, and materials free from political or outside interference or discrimination? Are academic, research, and teaching staff able to use their professional expertise, commensurate with their qualifications and experience, to judge, select, and deploy teaching materials, aids and methods?
- On extramural expression, are leaders, staff, and students free to share with the public the content of research, teaching or discourse developed within the education sector (such as through academic and nonacademic publications, public testimonies, print and online media, radio, television, exhibits, demonstrations and other events)? Have institutions, leaders, staff or students experienced threats, intimidation, or retaliation after sharing research, teaching or discourse with the public? How do institutions handle threats or retaliation?

Appendix A

Interview Methodology

The purpose of this report has been to examine how actions taken by the second Trump administration have contributed to the continued decline in academic freedom in the United States. To do so, the International Justice Clinic (IJC) has relied upon both primary and secondary sources originating from across the country to document instances of restricted academic freedom.

The IJC conducted remote interviews with twelve academics from across the country. Among them, four were located in the West Coast, three from the Midwest, three from the East Coast, and two from the South. Ten of the interviewees are faculty members at higher education institutions, and two are researchers at national laboratories. Three interviewees work in the fields of public health, three in biology, and four in environmental science.

Of the twelve interviewees, eight reported instances of external censorship of their work, three reported instances of self-censorship, four discussed harassment and threats they have experienced because of their research, and three discussed how leveraging research funding has impacted their work.

The IJC informed all interviewees of the nature and purpose of this report, as well as how it will be disseminated. The IJC obtained verbal consent from each interviewee to refer to our interview discussion for purposes of the report. No incentives were provided to interviewees in exchange for their participation.

Interviewees were engaged in an open discussion regarding their experiences in the academic space since the inauguration of President Donald Trump in January of 2025. Questions largely centered around how the interviewee defined academic freedom and how they feel it is being impinged upon. In addition, interviewees were asked about what the consequences of certain administrative actions may be in the broad context of academia in general, and the impact on democratic society. Further, in the context of fields that have historically been politically charged, those interviewees discussed what it is about the recent political climate that feels different to them.

The IJC has relied on secondary sources such as news articles, academic peer-reviewed research, and social media posts to corroborate factual assertions made by interviewees and to further illustrate the scope of impact.

For their protection, all interviewees have been assigned a random pairing of initials and numbers to serve as their identities.

Challenges

The IJC ran into considerable difficulty in obtaining interviews with academics located in the southern region of the United States. The IJC reached out to thirteen academics located across the South and only two responded, and one interviewed. Indeed, of the 53 total persons contacted, only sixteen responses were received. While it is possible that our requests to interview were lost in flooded inboxes, from the content of our interviews and from other reports, it seems probable that there is also considerable trepidation amongst the academic community to discuss the political landscape of academia, despite assurances of maintained confidentiality.¹⁸¹

¹⁸¹ See e.g., Piper Hutchinson, *'We're Terrified': University Faculty in the South Describe Culture of Fear on Campus in New Survey*, LA ILLUMINATOR (Sept. 5, 2025) <https://www.texastribune.org/2025/09/05/texas-faculty-university-political-climate-survey/>.