State of Connecticut
CONNECTICUT GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

July 16, 2026

BY EMAIL

President Maurie McInnis
Yale Board of Trustees
c/o Office of the President
Yale University
3 Prospect Street
New Haven, CT 06511

Dear President McInnis and Trustees:

We write to you as members of the Connecticut General Assembly with proud Yale ties, on behalf of a state whose history, economy, and civic identity have been bound up with this University for more than three centuries.

According to recent reporting, Yale University is considering settlement with the Trump Administration's Department of Justice (DOJ) in relation to an apparently baseless and retaliatory investigation into Yale's purported admissions practices.[1] Indeed, it is reported that Yale has retained the law firm McGuireWoods, which negotiated a disastrous surrender agreement with the Trump Administration on behalf of the University of Virginia (UVA).

We urge you in the strongest possible terms not to do so. We understand that you are in a difficult position and empathize with your desire to quickly end this shakedown. But capitulating now would constitute a serious abandonment of Yale's values, be a severe strategic miscalculation, and could jeopardize Yale's relationship with the State of Connecticut — including state-granted privileges the University has long taken for granted.

To be clear: If you stand up for yourself, we will stand with you and support you in every way we can. For the following reasons, we believe it is imperative that you fight back against this abusive and lawless attempt to extort the University to abandon its students, faculty, staff, and values.

[1] Joe Patrice, *Yale Law School Begging Yale University To Find Its Spine Against Donald Trump*, ABOVE THE LAW (July 8, 2026), https://abovethelaw.com/2026/07/yale-law-school-begging-yale-university-to-find-its-spine-against-donald-trump/ (summarizing reporting from multiple sources).

I. The Potential Agreement Would Compromise Yale's Values and Its Obligation to Defend Them

Yale has spent generations telling the world that it stands for something: free inquiry, the unfettered pursuit of truth, and the University's independence from every government that would seek to dictate what may be taught, studied, or believed within its gates. Yale's own faculty and leadership have said as much publicly and often — including, formally, in the Woodward Report, which has stood since 1975 as the University's official free-expression policy.[2] Likewise, since its founding in 1701, its central mission has included educating a student body of the background and experience necessary to serve the public.[3]

The Trump Administration's DOJ has launched an investigation of Yale based on cherry-picked, statistically dubious claims and baseless legal arguments. We believe a settlement would not "resolve" this dispute so much as concede its premise — that the federal government may extract concessions from a great university simply by threatening it. This would betray the very academic freedom and constitutional principles Yale claims to instill in its students, faculty, and alumni, and has pledged to them it will protect.

If any university in America has the resources to litigate this fight to its conclusion, it is Yale. Yale's $44-billion endowment exceeds the gross domestic product of 110 countries.[4] Yale's legal and financial capacity makes it uniquely positioned to defend against a lawsuit that its own faculty and their outside counsel have already described as without factual or legal basis.[5]

If Yale will not use its wealth, power, and standing to stand for academic freedom against a transparently pretextual legal threat, what will it stand for? A capitulation would fundamentally discredit Yale as an educational institution, especially given that smaller, less powerful institutions — like San Jose State University, Voice of America, and schools subject to the "Dear Colleague Letter" — have successfully resisted. [6]

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[2] REPORT OF THE COMMITTEE ON FREEDOM OF EXPRESSION AT YALE (the "Woodward Report"), (Dec. 23, 1974), https://secretary.yale.edu/report-committee-freedom-expression-yale (adopted by Yale as official policy in 1975), Yale Office of the Secretary & Vice President for University Life, *Free Expression at Yale*, YALE U. (retrieved July 9, 2026), https://secretary.yale.edu/free-expression-yale (current University page affirmatively stating the 1974 Woodward Report "represents Yale's free expression policy").

[3] Act for Liberty to Erect a Collegiate School, 1701, 4 Col. Rec. 363; *see* 1 & 2 Private Laws 472, https://www.yale.edu/sites/default/files/files/University-Charter.pdf.

[4] John R. Walker & Michelle Jimenez, *Austerity is a choice*, YALE DAILY NEWS (Apr. 16, 2026), https://yaledailynews.com/articles/austerity-is-a-choice.

[5] Chris Polansky, *Students, alumni and faculty urge Yale not to reach deal with Trump administration*, CT PUBLIC (July 8, 2026), https://www.ctpublic.org/news/2026-07-08/students-alumni-and-faculty-urge-yale-not-to-reach-deal-with-trump-administration.

[6] Alan Blinder, *How Is Trump Targeting Universities, and How Are They Responding?*, N.Y. TIMES (July 1, 2026), https://www.nytimes.com/article/trump-university-college.html; David Bauder, *Judge orders restoration of Voice of America, putting hundreds of journalists back to work*, AP (Mar. 17, 2026), https://apnews.com/article/voice-of-america-kari-lake-trump-cd6d1ef05272f842705da0ed38d3de24; Dana Goldstein, *Trump Administration Drops*

Moreover, it would set a terrible precedent. Leaders of other institutions throughout American life will look to Yale's example — for better or worse — in deciding whether to resist similarly lawless and abusive demands.

II. Settlement with This Administration Would Be a Strategic Miscalculation

Setting questions of principle aside, we believe settlement is also the wrong strategic choice, for three reasons.

First, if Yale fought — like Harvard — it would almost certainly win. On September 3, 2025, a federal district court granted Harvard summary judgment, finding that the Trump Administration's freeze of more than $2 billion in research funding was retaliation for protected First Amendment activity and violated the Administrative Procedure Act and Title VI.[7] The court did not treat this as a close call: it found the government's stated rationale pretextual.

Yale's own law faculty and their outside counsel have reached the same conclusion about the claims against Yale: that the government's claims are "bogus—cherry-picked, statistically weak, . . . presented without appropriate context or support . . . even if they had some basis in fact, they cannot support a finding of intentional discrimination for purposes of Title VI."[8] An institution with Yale's resources, facing a similarly weak case, has every reason to expect the same outcome Harvard achieved.

Indeed, the timing and nature of the reported negotiations are particularly concerning. Even putting aside the dubious merits of the investigation, according to public reporting, DOJ has not yet made a demand. A rush toward preemptive surrender, if as reported, would be an obvious negotiation failure. Such baffling, self-defeating actions would suggest Yale may be ill-served by its current outside counsel.

Second, settlements have consistently placed universities — and their leaders and employees personally — in a worse legal position than they occupied under existing law, not a better one.[9]

Appeal in School D.E.I. Lawsuit, N.Y. TIMES (Jan. 21, 2026), https://www.nytimes.com/2026/01/21/us/trump-administration-dei-schools-lawsuit.html.

[7] *President & Fellows of Harvard Coll. v. Dep't of Health & Hum. Servs.*, 798 F. Supp. 3d 77 (D. Mass. 2025) (Burroughs, J.); Dhruv T. Patel et al., *Judge Hands Victory to Harvard in Funding Lawsuit*, HARVARD CRIMSON (Sept. 3, 2025), https://www.thecrimson.com/article/2025/9/4/harvard-funding-order/.

[8] Memorandum from Sher Tremonte LLP, on behalf of Yale AAUP, to the President and General Counsel of Yale University (July 7, 2026), as shared at, Francie Diep, *Yale Professors Vow to Fight Trump if the University President Won't*, CHRON. HIGHER ED. (July 9, 2026), https://www.chronicle.com/article/yale-professors-vow-to-fight-trump-if-the-university-president-wont.

[9] *See generally* Memorandum from Serena Mayeri and Amanda Shanor to the President and General Counsel of Yale University (June 30, 2026). This memorandum, which we believe you already have received, provides a deeper and more thorough analysis of these concerns.

Columbia's $221 million settlement subjected the University to an independent federal monitor with sweeping access to University records, staff, and data, and bound Columbia to detailed, ongoing compliance obligations for years[10] — obligations Columbia would never have faced simply by continuing to comply with Title VI as written.

The University of Virginia's settlement, negotiated by the same firm Yale has now retained, likewise imposed years of quarterly compliance reporting — and did not prevent the Administration from forcing out UVA's president months later.[11] In fact, it put UVA to greater legal peril than if it had done nothing at all: the Government remains free to open new inquiries at any time and to investigate noncompliance with the agreement itself, not just federal law — or to terminate the agreement and pursue enforcement action or fines for any past or future actions.[12]

Nor is the exposure limited to the institution. Agreements of this kind typically require a university's president, provost, or other senior officers to personally certify the school's ongoing compliance — certifications that create grievous legal risk no Yale officer faces today. A certification later deemed inaccurate can expose the signing officer to criminal liability under the federal false-statements statute,[13] and can expose both the officer and the University to civil liability under the False Claims Act, including treble damages, substantial per-claim penalties, and qui tam suits brought by private relators — potentially a university's own employees, students, or alumni — without any need to show the officer intended to deceive anyone.[14] This is not a theoretical risk: the Department of Justice's Civil Rights Fraud Initiative has already targeted university civil-rights certifications on this theory, and in April 2026 used it to extract a $17 million False Claims Act settlement from IBM over compliance certifications tied to its diversity programs.[15]

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[10] Office of the President, Columbia Univ., *Our Resolution With the Federal Government* (July 23, 2025), https://www.columbia.edu/content/federal-resolution-agreement; Jameel Jaffer et al., *What the Columbia Settlement Really Means*, KNIGHT INST. BLOG (Aug. 4, 2025), https://knightcolumbia.org/blog/what-the-columbia-settlement-really-means.

[11] Patrice, *supra* note 1 (describing the UVA's settlement terms, former UVA President James Ryan's resignation under continued Administration pressure, and his suggestion of potential collusion between McGuireWoods attorneys and officials hostile to UVA).

[12] Agreement between the United States of America and the Rector and Visitors of the University of Virginia 2–3 (Oct. 20, 2025), https://federalinfo.virginia.edu/sites/federalinfo/files/2025-10/US-University-of-Virginia-Standstill-Agreement-20251022.pdf.

[13] 18 U.S.C. § 1001 (2018) (criminalizing knowing and willful false statements to a federal agency); see also Ben Olinsky et al., *Trump's 'Compact' With Colleges Will Put University Presidents in Legal Jeopardy*, CTR. AM. PROG. (Oct. 10, 2025), https://www.americanprogress.org/article/trumps-compact-with-colleges-will-put-university-presidents-in-legal-jeopardy/ (discussing exposure of university presidents, provosts, and admissions directors to § 1001 liability for compliance certifications).

[14] 31 U.S.C. §§ 3729–3733 (2018) (False Claims Act, providing treble damages, per-claim penalties, and a qui tam private right of action for relators — including employees, students, or other insiders — upon a showing of actual knowledge, deliberate ignorance, or reckless disregard of falsity); Olinsky et al., *supra* note 13.

[15] *DOJ Announces First DEI False Claims Act Settlement With IBM*, COOLEY LLP INVESTIGATIONS & ENFORCEMENT WATCH (Apr. 24, 2026), https://investigations.cooley.com/2026/04/24/doj-announces-first-dei-false-claims-act-settlement-with-ibm/.

A settlement with this Administration does not return a university, or its leadership, to the status quo. It manufactures new, enforceable federal and personal liability, backed by new enforcement mechanisms, not existing absent the University's own assent.

Third, a settlement provides no durable relief. This Administration has repeatedly rewritten deals when the ink was barely dry, treating settlements merely as a springboard for new demands.[16] Legal observers who examined Columbia's agreement concluded that its terms did not foreclose the government from demanding still more based on Columbia's alleged noncompliance or on conduct that had not even occurred at the time of signing.[17] There is no evidence that any university has settled its way to lasting security. There is considerable evidence that settlement simply invites the next round of demands.

III. A Settlement as Reported Could Jeopardize Privileges Granted to Yale by the State of Connecticut

We would be doing you a disservice if we did not also speak plainly about the view from Hartford.

Yale enjoys tax privileges in Connecticut found nowhere else in state law. Some of these privileges are rooted in the University's 1701 founding grant, in the 1792 charter agreement specifically confirmed by Article Eighth, Section 3 of our state Constitution, and in the 1834 proviso that exempts certain of Yale's funds and property from state and local taxation.[18] But the scope and even existence of many of them is subject to statutory control.

Those privileges were not given unconditionally. Rather, they were consideration in a bargain: the state extended Yale extraordinary independence and protection, on the understanding that Yale would use that independence in service of the public purposes for which the University was chartered. Those purposes included, as our founding statutes put it, fitting citizens for "publick imployments" in service to civil society, and, in the modern era, standing as an anchor institution for free thought, free inquiry, and constitutional government.[19]

In recent years, proposals to narrow or reexamine Yale's tax exemption — including 2016 legislation that would have clarified the boundary between Yale's exempt educational property and its taxable commercial holdings — have repeatedly been introduced in the General

[16] Joe Patrice, *'Pray I Don't Alter It Any Further': What Darth Vader Should Teach Law Firms About Settling With Trump*, ABOVE THE LAW (Apr. 10, 2025), https://abovethelaw.com/2025/04/pray-i-dont-alter-it-any-further-what-darth-vader-should-teach-law-firms-about-settling-with-trump/ (discussing post-hoc alterations of law-firm settlements); Michael S. Schmidt & Devlin Barrett, *Trump Administration Subpoenas Law Firms, Escalating Pressure Campaign*, N.Y. TIMES (July 14, 2026), https://www.nytimes.com/2026/07/14/us/politics/trump-subpoenas-law-firms-epshteyn-aba.html (detailing new demands by Trump Administration of settling law firms).

[17] Jaffer et al., *supra* note 10 (observing that the settlement does not foreclose the Administration from making further demands based on alleged or newly discovered noncompliance).

[18] Wally Hilke & Amit Jain, *Public Interests, Private Institutions? Public Policy Challenges to Tax-Free Universities*, 127 YALE L.J. F. 94 (2017), http://www.yalelawjournal.org/forum/public-interests-private-institutions.

[19] *Yale University v. New Haven*, 169 Conn. 454, 469–70 (1975) (Bogdanski, J., concurring).

Assembly.[20] Each time, they have lost momentum because enough of us believed Yale was still fulfilling its end of that centuries-old bargain: serving, however imperfectly, as one of the institutions willing to stand up for academic freedom and constitutional principle when it mattered most.[21]

A settlement of the kind now reportedly under discussion could fundamentally unsettle that understanding. If Yale demonstrates that it will not use its wealth, standing, and legal strength to defend the very freedoms its charter and tax privileges were granted to protect, the General Assembly could revisit that bargain in earnest, and potentially with our support.

That reconsideration could include renewed legislation clarifying, narrowing, or eliminating Yale's special statutory tax exemption. It could also include reforms to the composition or accountability mechanisms of the Yale Corporation itself, including democratizing the selection of its membership.[22] It could also include a broader review of whether the privileges Connecticut has extended to Yale for 300 years continue to serve the public purposes that were their original consideration.[23]

Yale has the resources and legal position to fight and win. We urge you to do so — for the sake of your students, your faculty, the rule of law, and the values this University has always claimed to hold, and for so many embodied. If you do, we will support you with every means available to us.

Respectfully,

State Representative Matt Blumenthal
147th District
J.D., Yale Law School

State Representative Steve Winter
94th District
B.A., Yale College

[20] S.B. 414, "An Act Concerning the Tax on College Property," 2016 Conn. Gen. Assemb., Reg. Sess. (voted out of the Finance, Revenue and Bonding Committee, Apr. 7, 2016; not called for a floor vote).

[21] In the past, Yale has argued that such changes would be unconstitutional. These claims are at best overstated, and more likely to be in large part meritless. *See* Hilke & Jain, *supra* note 18.

[22] Measures suggested have included different participation by current *ex officio* members, the appointment of additional *ex officio* members, or reinstatement and reform of the petition process or other more open processes for election of Alumni Fellows. It could also include measures subjecting University governance and records to more public transparency.

[23] This review could include investigative hearings on the full scope of Yale's tax-exempt properties.

State Representative Roland Lemar
96th District
Spouse – Professor, Yale Law School

State Representative Patricia Dillon
92nd District
M.P.H., Yale School of Public Health

State Representative John Michael Parker
101st District
B.A., Yale College

State Representative Jonathan Steinberg
136th District
B.A., Yale College

State Senator Saud Anwar
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M.P.H., Yale School of Public Health;
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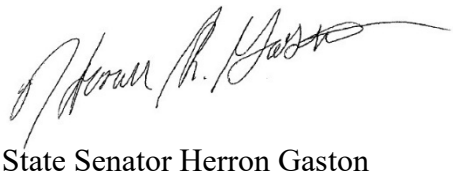
Yale School of Medicine



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