

Federal judge orders agencies to restore grants to University of California scientists

Ruling on first class action suit reversing terminations may be expanded to entire government

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Berkeley is one of 10 University of California campuses that have lost federal research grants. ZW CHEN/ALAMY

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In her 23 June ruling, U.S. District Court Judge Rita Lin said EPA, the National Science Foundation (NSF), and the National Endowment for the Humanities had wrongly canceled grants to six UC researchers for projects that ranged from improving science education to curating the works of Mark Twain. The ruling restores grants for two classes of scientists: those doing research on what Lin called “blacklisted DEI [diversity, equity, and inclusion] topics” and those who received form letters that halted projects with little explanation.

Lin said she would consider expanding her order to 13 other federal agencies, including the National Institutes of Health (NIH), named in the lawsuit. Her ruling comes on the heels of another federal judge, in Boston, [ordering NIH to restore hundreds of canceled grants](#) on DEI-related topics. The ruling addressed two lawsuits, one filed by attorneys general in 16 states, including California, and the other by several public health and research organizations.

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The California case is the first class action suit to challenge grant terminations by President Donald Trump’s administration. “These six plaintiffs were essentially showing the court the nature of the harm that was done to the UC system as a whole,” says Claudia Polsky, an environmental law professor at UC Berkeley who brought the suit, which is separate from any actions being taken by the UC system itself. “We picked them because we thought they represented a nice range of science and humanities grants.”

In granting a preliminary injunction, Lin ruled that the agencies had probably violated the First Amendment rights of the researchers to study topics the Trump administration dislikes or thinks are a waste of tax dollars. In its series of executive orders outlawing DEI, for example, the government was “deliberately penalizing [what it deemed to be] certain ‘dangerous ideas’ by scuttling swaths of preexisting and ongoing federal research,” Lin wrote.

The agencies also likely violated the 1946 Administrative Procedure Act that regulates how to conduct government business, the judge wrote, by failing to provide “any reasoned explanation” for why the grants were being terminated beyond the perfunctory notice Thakur received on 28 April from EPA. Those notes, sent to thousands of scientists, stated that “the objectives of the award are no longer consistent with [agency] funding priorities.”

Lin’s order goes into effect immediately, although the U.S. government is expected to ask for a stay, if not a reversal, of her ruling. An NSF spokesperson said the agency doesn’t comment on pending litigation.

“We were in our third year of the grant and preparing to go out with a survey of residents when it all came to a halt,” Thakur says about her study, which developed a model of wildfire smoke across California and then applied it to calculate exposure levels and health impacts on individuals. “The termination letter didn’t give us an actual reason, and it seemed so unfair,” Thakur says. “But as a single PI [principal investigator], I felt powerless to reverse it. And then Claudia contacted me.”

Jedda Foreman, an environmental educator at UC Berkeley’s Lawrence Hall of Science who had three NSF grants terminated this spring, said joining the suit gave her a chance “to fight for all the amazing work that NSF has been funding” that was suddenly terminated. “I knew I hadn’t done anything wrong,” Foreman says, “and I felt that what NSF had done wasn’t in keeping with its mission.”

Both Thakur and Foreman say they are “cautiously optimistic” about the chances of getting their funding restored. But they acknowledge it could be a long wait if the government fights the ruling. In the meantime, Thakur says she is moving ahead with an existing NIH grant as well as trying to raise money from other sources to finish her project on wildfire smoke.

Foreman, whose sole source of support is NSF, has more immediate concerns. She’s worried about the status of her one remaining NSF grant, a partnership with local Indigenous leaders to improve precollege science education. “I check the NSF

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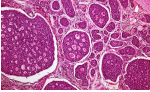


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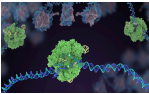
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