



U.S. Department of Justice

Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

February 3, 2026

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

Re: *American Federation of Teachers v. Department of Education*, No. 25-cv-628
(D. Md. Aug. 14, 2025)

Dear Mr. Speaker:

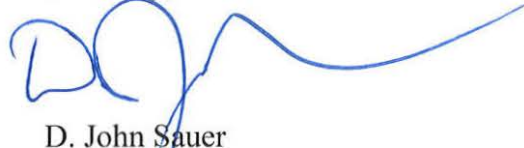
Consistent with 28 U.S.C. 530D, I write to advise you that the Department of Justice has decided not to appeal in the above-captioned case. A copy of the opinion of the U.S. District Court for the District of Maryland is enclosed.

This case concerns two letters issued by the Department of Education about the legal obligations of federal-funding recipients under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, and the Equal Protection Clause of the Fourteenth Amendment. The plaintiffs in this case brought constitutional and other challenges to the letters. In August 2025, the district court vacated the letters, holding them unlawful on various grounds. D. Ct. Doc. 83, at 40-76 (Aug. 14, 2025). The court concluded, among other things, that both letters were “unconstitutionally vague,” *id.* at 66-67, and that one of them “r[an] afoul of the First Amendment,” *id.* at 55; see *id.* at 69.

The Department of Justice has determined that the particular circumstances of this case do not call for an appeal. Throughout this case, the government has maintained that the letters “do not determine rights or obligations or have direct legal consequences.” D. Ct. Doc. 72-1, at 23 (July 1, 2025). Accordingly, reversal of the vacatur of the letters would itself lack “direct legal consequences.” *Ibid.* The Department of Justice has determined that, in these circumstances, an appeal is not advisable.

The Department of Justice filed a protective notice of appeal on October 13, 2025, but dismissed the appeal on January 21, 2026. Please let me know if I can be of further assistance in this matter.

Sincerely,



D. John Sauer
Solicitor General

Enclosure