

# EXHIBIT E

**DECLARATION OF ON BEHALF OF  
PENN ASSOCIATION OF SENIOR AND EMERITUS FACULTY (PASEF)**

I, Mitchell Philip Marcus, DECLARE as follows:

1. I am an emeritus faculty member at the University of Pennsylvania with the title of Professor Emeritus, and also hold the position of Director within the Provost's Office.
2. I also serve as President of PASEF, the Penn Association of Senior and Emeritus Faculty.
3. PASEF is a membership organization of and for senior (age 55+), emeritus and retired faculty from all schools at Penn. PASEF encompasses both standing faculty and associated faculty. Standing faculty include tenure track and tenured faculty, as well as members of the health schools with the title of clinical educator. Associated faculty are non-tenured academic staff with certain specialized roles, including Practice Professors, Research Professors and members of the health schools with the title of Academic Clinician. Many of our emeritus and retired members continue to teach and pursue active research within the University itself, and stay involved within the University. PASEF's membership is large and largely Philadelphia-based. As of July 2025, PASEF had 2,245 members, including 1,354 senior faculty and 891 retired faculty. All standing faculty and Associated faculty (Practice Professors, Research Professors, etc.) are automatically members upon reaching age 55.
4. Per its mission statement, PASEF "informs and advocates on matters of concern to senior and retired faculty through dialogue with the University administration and communication with its members and the larger community." PASEF shares important information relevant to senior and emeritus faculty with its members and engages with the University administration when matters of concern to the membership arise. PASEF members sit *ex-officio* on the Faculty Senate Executive Committee and four Faculty Senate standing committees. PASEF's principal activities also include many membership programs, panel discussions and lectures each semester both in person and by Zoom, with videos available for later viewing. We also sponsor activities for our members such as book discussion groups.
5. The EEOC subpoena directly affects PASEF members.

- a. At least five PASEF members are associated with the Jewish Studies Program.
  - b. Other PASEF members belong to “clubs, groups, organizations and recreation groups (hereinafter referred to as ‘organizations’) related to the Jewish religion, faith, ancestry/National Origin,” which are included in the EEOC subpoena.
  - c. PASEF members participated in and even led the Listening sessions for which EEOC’s subpoena seeks attendance information and notes of discussions, which were held under assurance of confidentiality.
  - d. PASEF members were on the University of Pennsylvania’s Task Force on Antisemitism, which requested the Listening Sessions.
  - e. PASEF members received the Qualtrics Survey.
  - f. PASEF members visited Israel and were pictured in the group photograph posted by *penn.against.the.occupation*, about which EEOC’s subpoena seeks identifying and pedigree information.
6. PASEF has significant concerns about how the federal legal action filed on November 18, 2025, by the U.S. Equal Employment Opportunity Commission (“EEOC”) against the University of Pennsylvania, will impact its members. *See U.S. Equal Employment Opportunity Commission v. The Trustees of the University of Pennsylvania*, 2:25-cv-06502 (E.D.Pa.). While an obvious concern relates to members of the Jewish faith and those who belong to Jewish-affiliated professional and other groups at Penn, the subpoena impacts a much broader group of PASEF members, since many if not most received both the Task Force on Anti-Semitism’s online survey and an invitation to the Listening Sessions and are thus encompassed by the personal information request. And since the subpoena seeks information dating back to 2022, some of the newly-emeritus and retired members will also be implicated.
7. PASEF’s members do not wish to have their identities and associations and their personal contact information disclosed to the EEOC by the University. The ability of the Federal government to demand personally identifying information about arbitrary subgroups of our members, including those who have participated in particular events or talks with certain content or who have received information about such events,

would have a chilling effect on our membership's participation in such events. For those of our members who were born in the years immediately following the Holocaust, the thought of having their names turned over to the government is already a cause of mental anguish [weaker: serious stress]; this is also true of those of some of our members who decades ago fled authoritarian governments in fear of their lives. Thus, PASEF members, including Emeritus faculty, will be discouraged from their continuing association with Penn and PASEF if they are not free to pursue their interests, ideas, research, and teaching activities free from unexpected monitoring, interference or forced participation in matters that do not contribute to their teaching or scholarly activities.

8. PASEF seeks intervention to avoid the need for individual members to bear the time and cost in opposing the subpoena, and to minimize the chances that their identities, and leadership of this effort, will become public or known to the federal government.
9. PASEF members have a protected interest in privacy, associational freedom, speech, and religious liberty that is personal to each of them. These potential harms from non-consensual disclosure of identity and private personal information are separate and distinct from Penn's interests. Employees and newly-retired and emeritus faculty are the real parties in interest in this litigation since it is their private personal information that is sought by the federal government. Non-consensual disclosure of PASEF members' private personal information to the federal government will impair their rights, and is likely to do so irreparably.
10. The current federal government has not been a reliable protector of data privacy and security. Modern history has numerous examples of the dangers associated with governmental collection of lists of Jews, especially but not exclusively by the Nazis. There remain troubling contemporary expressions of antisemitism in this country, making the EEOC's broad data requests chilling for PASEF members whose information is being sought.

11. Since PASEF members' interests are threatened directly by the EEOC subpoena, they seek to have a say in the resolution of this litigation to ensure the protection of their legal and constitutional rights.

**I, Mitchell Philip Marcus, hereby DECLARE under penalty of perjury on this 12th day of January, 2026, that the foregoing statements are true and correct to the best of my information, knowledge and belief, and that I am authorized to so represent by PASEF's governing body.**



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