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Opinions • Columnists

Liu | Dear President Levin: Don't do a Berkeley



Berkeley gave itself over to Trump. Stanford should not be next. (Graphic: Toby Shiao)

By [Robert Liu](#)
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At a [discussion panel](#) on the “Future of American Universities” with Hoover Institute Director Condoleezza Rice and University president Jonathan Levin, Stanford Daily Opinions Editor Jennifer Levine asked Levin a simple yet powerful question: What will you do to protect international students who are scared to exercise their First

Amendment rights?

Levin's answer was that Stanford will do everything up to breaking the federal law. Though I respect Levin's caution in addressing this deeply sensitive issue, there are instances where we must boldly declare what we as a community stand for. The emphatic protection of international students and free speech at Stanford meets this threshold.

The problem with "just following the laws," as First Amendment Scholar and Stanford Law professor Evelyn Douek [points](#) out, is that the federal administration has weaponized the legal authority of the federal government to "jawbone" a laundry list of private institutions to self-censor their speech. So when the Trump administration comes after international students and protesters through illegal and unconstitutional [means](#), "just following the laws" is wholly insufficient.

Take private law firms. The administration [revoked](#) contracts of various law firms with the federal government, while denying employees security clearances and access to federal buildings of employees. One firm's [crime](#)? They represented Hillary Clinton, Trump's opponent in the 2016 Presidential Election. Another [charge](#)? They were helping asylum seekers navigate the immigration system in their pro-bono work.

Despite the valiant and highly successful efforts of some law firms to resist the Trump administration's blatant violation of due process, many firms caved. Infamously, Paul, Weiss, a firm known for its representation of parents who were separated from their children during the first Trump administration, [reversed](#) course and agreed to \$40 million worth of legal work for conservative causes. As the capitulation of "Big Law" highlights, no one is safe from Trump's petty grievances. However, avoiding the fight is not just cowardly, but downright unstrategic. Despite the capitulation of some firms, others [resisted](#), decisively defeating the federal government in court.

This trend of appeasing Trump exists near Stanford, too. Just across the bay, the University of California, Berkeley, once seen as a shining [example](#) of student activism and political engagement, has crumbled to the demands of the Trump administration. At the beginning of this school year, Berkeley's Chancellor Richard Lyons and UC President James Millikens faced widespread [backlash](#) for their [decision](#) to give up the names of 160 students, faculty and administrators as part of an investigation into how the university handles antisemitism. Adding insult to injury, these individuals were notified months after their names were released, leading many to suspect that hundreds more names could have been reported without warning.

There are two reasons why the release of the names is a strategic and moral error. Firstly, as the Berkeley Faculty Association's [response](#) rightly points out, there was no need to give out names. Office of Civil Rights investigations are not about whether individuals have committed civil rights violations, but whether the university's handling of these incidents were discriminatory. Therefore, the school could've just as easily given the Trump administration a list of redacted names. They punted prematurely. This was no tactical error, but a calculated attempt to convince the

federal government to [release](#) \$580 million in research funds. And to add insult to injury, a federal judge ruled last week that Trump couldn't withhold funds from the UC system. They won by others resisting, not by their surrendering.

Secondly, universities that resist Trump's bullying are successful in doing so. In contrast to the cowardice of the Berkeley Chancellor, Harvard responded to the [withholding](#) of \$2.2 billion in federal funds by lawyering up. Harvard [tapped](#) two veteran conservative lawyers, Robert Hur, known for his role as Special Counsel for the Department of Justice, and William Burck, who represented Trump Administration associates. Not only were they the best lawyers for the job, their background lends them a heightened level of credibility among liberals and conservatives alike.

But most significantly, Harvard president Alan M. Garber was ready for the fight. Garber pledged his support to international students in a now widely circulated [letter](#), " Supporting Our International Students and Scholars," while sliding in a [jab](#) at the Trump administration in his commencement address to the rapturous applause of students, faculty and fellow administrators. Like Stanford [against](#) Berkeley in the Big Game, universities who go up against Trump have a winning record.

My fear is that Levin, in taking the "follow the rules" approach, is making the same tactical blunders as Chancellor Lyons and President Millikens. The congruency is perhaps best highlighted by the UC general counsel's [statement](#) that the UCs will "continue to meet its legal obligations while exploring all legal avenues to safeguard the privacy and trust of our community members."

President Levin, consider the past failures of appeasement, the evidence that universities can win against Trump, the immense legitimacy you gain from the community on campus and beyond. But if you're still not persuaded, take a stand to prove that we are better than not just Berkeley, but our friends out east too.