

Judge Orders Trump Not to Threaten University of California's Funding

An extraordinary rebuke to the federal government's campaign against elite schools, the ruling could upend settlement talks with the university system.



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By Alan Blinder

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A federal judge ordered the Trump administration on Friday not to coerce the University of California by threatening its research funding in defiance of the First Amendment, an extraordinary rebuke to the federal government's pressure campaign against elite schools.

The judge, Rita F. Lin of Federal District Court in San Francisco, also said the government was forbidden "from seeking payments" from the university system in connection with civil rights investigations — an order that could upend the Trump administration's settlement talks with the university months after the Justice Department demanded more than \$1 billion.

Trump administration officials have spent much of this year trying to remake elite American universities that they perceive as hubs of liberal indoctrination and depict as epicenters of antisemitism. They have often wielded the halting of federal research funding to prod schools into negotiations, and the government has already reached settlements with a handful of top universities, including Brown, Columbia and Cornell.

The University of California, which has about 560,000 students and employees, has been a leading target for much of President Trump's second term. The 10-campus system receives about \$17 billion in federal funding each year, and Trump administration officials sought in recent months to start cutting off some of that money.

Judge Lin had already ordered the government to restore millions of dollars in grants that it had stripped from the system. But her order on Friday, coming in a separate case brought by labor groups, went beyond rote matters of dollars and cents.

Writing across 80 pages of court filings, Judge Lin said that the government was "engaged in a concerted campaign to purge" certain viewpoints from American universities, and that "the undisputed record" showed that Trump administration officials had "engaged in coercive and retaliatory conduct in violation of the First Amendment and the 10th Amendment."

The White House did not immediately respond to a request for comment on Friday.

The effects of the government's tactics, Judge Lin said, were already bubbling up on campuses.

"Numerous U.C. faculty and staff have submitted declarations describing how defendants' actions have already chilled speech throughout the U.C. system," Judge Lin wrote. "They describe how they have stopped teaching or researching topics they are afraid are too 'left' or 'woke' in order to avoid triggering further funding cancellations."

The judge added, "These are classic, predictable First Amendment harms, and exactly what defendants publicly said that they intended."

As a part of Friday's ruling, Judge Lin said the defendants in the case, including Mr. Trump and an array of government agencies, could not link federal funding "to any measures" that would violate the First Amendment.

She cited specific conditions that could run afoul of her order, including requiring the university to “restrict its curriculum, scholarship or research based on the defendants’ preferred viewpoints.” She also said the government could not connect funding to a requirement for the university to “screen international students based on ‘anti-Western’ or ‘anti-American’ views and/or ‘socialize’ international students to favored ‘norms.’”

The conditions were not exactly hypotheticals. In August, the Trump administration sent university officials a proposed settlement that called, for example, for procedures “to provide that foreign students likely to engage in anti-Western, anti-American or antisemitic disruptions or harassment are not recruited or admitted” to the University of California, Los Angeles. (Although federal officials are investigating all of the university system’s campuses, its opening settlement offer was specifically tied to accusations of antisemitism at U.C.L.A.)

The government’s proposal also called for more than \$1 billion in payments, a demand that Democratic politicians in California condemned as extortion. James B. Milliken, the university system’s president, warned that such a payment “would completely devastate our country’s greatest public university system.”

The university system has nevertheless been in talks with the government, though a Justice Department lawyer told Judge Lin in court last week that there was “no evidence that any type of deal” was imminent.

After Friday’s ruling, a spokesperson for the university system, which did not participate in the case, said the system remained “committed to protecting the mission, governance, and academic freedom of the university.”

Veena Dubal, the general counsel of the American Association of University Professors, one of the groups that brought the case, said in an interview on Friday that she was “kind of in tears” after the ruling.

“This represents saving higher education, saving public research and the standing up of faculty and staff and students,” said Ms. Dubal, who is also a law professor at the University of California, Irvine.

Judge Lin's order went well beyond one that a federal judge in Boston issued in September, when she ruled on a case involving funding cuts at Harvard University. Although the judge in that case, Allison D. Burroughs, also had harsh words for the government, she did not so directly rattle the settlement talks between Harvard and the Trump administration.

Judge Lin, like Judge Burroughs, did not block the government from potentially taking back research funding in the future. But, in addition to her orders around the First Amendment, she wrote that the government would have to be in "full compliance with all of the required steps" envisioned by federal law, which gives grant holders significant procedural rights.

The Justice Department acknowledged to Judge Lin that federal agencies had not used the typical procedures associated with cuts to research funding when the Trump administration moved against the University of California. Rather, the Trump administration argued that it had used other powers to try to stop the flow of money.

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