

Michigan ACLU files lawsuit against University of Michigan over anti-protest trespass bans

Matthew Brennan
9 February 2025

On February 3, two organizations filed a federal lawsuit against the University of Michigan on behalf of five people who were issued “trespass bans” for protesting the genocide in Gaza on the university campus. The bans were part of U-M’s authoritarian and anti-democratic revision of its student code of conduct, aimed at suppressing opposition to war and genocide.

The American Civil Liberties Union (ACLU) of Michigan and the Detroit-based Sugar Law Center for Economic and Social Justice (SLC) jointly filed the lawsuit in federal court on behalf of five anti-genocide protesters, including two students, two recent graduates and a community member. All five had taken part in protests last fall and were arrested by campus police and swiftly given bans on entering any campus property.

One of the students named in the lawsuit, Jonathan Zou, was given a trespass ban simply for using a megaphone at an October 7 anti-genocide demonstration on the Ann Arbor campus Diag. The bans have the effect of blocking those cited from going to their classes, their dorms or their campus jobs.

The university, following the lead of the Biden administration, Democratic Governor Gretchen Whitmer, and now the fascistic Trump administration, has been steadily escalating its attacks on pro-Palestinian and anti-war protesters since October of 2023, systematically dismantling core democratic rights, including the right to free speech, in the process.

The current “trespass bans” are directly related to authoritarian changes made by the administration to its student codes of conduct during the Summer of 2024. The new codes employ deliberately vague language regarding university facilities and alleged misconduct, stating that individuals and groups may not “disrupt University activities or operations.” This gives the university administration a free hand to interpret virtually anything as a “disruption.”

The new policies also drastically narrow the appeals

process for challenging “student misconduct” allegations and allow the university to more aggressively lodge complaints against students and others, including the ability to hire outside consulting firms to file complaints.

A statement by the ACLU/SLC lawyers outlined the anti-democratic nature of the new policies:

Those who attempt to challenge their bans (which can only be done after the ban goes into effect) face sham proceedings that lack essential due process protections, the lawsuit alleges. No evidence was presented at the plaintiffs’ hearings, and no explanation was offered; instead, the plaintiffs and others are merely given time to convince the university’s public safety department why it should amend or repeal their ban.

Last September 10, four members of the Socialist Equality Party (SEP) and the International Youth and Students for Social Equality (IYSSE) were issued trespass bans while campaigning for a meeting on campus with SEP presidential candidate Joseph Kishore. The members of the SEP/IYSSE were issued citations by campus police after having been accosted by pro-Zionist professor of history Victor Lieberman on the charge of campaigning on a public sidewalk without a permit.

In a significant victory, the IYSSE/SEP successfully defended its members against the University of Michigan’s attempt to restrict their democratic rights, challenging the citations and the prohibitions and getting them rescinded in October of 2024.

The ACLU/SLC lawsuit challenges the authoritarian student policies in two ways. First, the lawsuit is seeking an injunction against the bans, on the grounds that they are blatantly unconstitutional. In a press release the lawyers

assert that the ban will:

prohibit the plaintiffs from stepping foot virtually anywhere on campus under threat of criminal prosecution for trespassing, unconstitutionally punish protestors and quell their First Amendment right to free speech and their Fourteenth Amendment right to due process, which includes the rights to travel through and remain on public spaces.

Second, the lawsuit challenges the deliberately vague nature of the “disruption” policy,” arguing:

Because the university has not defined what activity constitutes a “disruption,” it has intensified the chilling effect of the trespass bans by threatening even more punishment of people wishing to exercise their constitutional rights. As with the trespass bans, the lawsuit challenges the anti-disruption policy as vague and overbroad in violation of the First and Fourteenth Amendments.

The authoritarian “disruption” policy and the trespass bans are only one component of the attempt to suppress anti-war protests and core democratic rights. The university has aggressively pursued these policies in coordination with the Democratic Party, including at the highest levels of the state.

On January 16, the U-M administration banned the Students Allied for Freedom and Equality (SAFE), a registered student club and local chapter of the Students for Justice in Palestine, from taking part in campus protests against the genocide in Gaza. The ban suspends SAFE’s club status for up to two years, depriving the group of access to university facilities and the right to promote its views on campus. It marks the first ever suspension of a legacy student organization in the university’s history.

The day before the SAFE ban, Michigan Attorney General Nessel, a Democrat, issued charges against three protestors involved in the Festifall “die-in” demonstration on the university Diag in August. The charges include resisting and obstructing a police officer, a felony, and trespassing, a misdemeanor that carries a possible 90-day jail sentence. The felony charge carries a possible sentence of two years in jail.

Nessel also charged 11 other protestors in September for their participation in anti-genocide protests on campus, including participation in a peaceful tent encampment that

was attacked and destroyed by police on May 21 after weeks of provocations by the U-M administration and police. Seven of those protestors are also being charged with felonies carrying a possible two-year jail sentence.

The attack on U-M protestors is part of a nationwide assault on democratic rights at campuses across the country, initially directed by the Democratic Party and now being carried out by the fascistic Trump administration. Within the first week of being in office, the Trump administration issued an executive order titled “Additional measures to Combat Anti-Semitism,” which threatens core free speech and democratic rights. It characterizes all opposition to Israel and its genocide in Gaza as “antisemitic” and threatens to deport non-citizen student protestors.

These attacks are evoking increasing opposition, particularly from students and youth and federal workers targeted with mass firings. At U-M, opposition to the murderous drive to “ethnically cleanse” Gaza, growing resistance to Trump’s attacks on immigrants and federal workers, Elon Musk’s gutting of social services and Trump’s moves to establish a presidential dictatorship drew over 150 students, workers and community members to a public meeting to address the attacks on February 4.

IYSSE members and WSWs reporters attended the meeting and spoke against efforts to appeal to the Democratic Party-controlled Board of Regents and limiting opposition to narrow campus protest politics. Instead, IYSSE members called for students and workers to build a rank-and-file campus committee at U-M as part of a national and international drive to form popular committees based on the working class, independent of the big business parties, to defend democratic rights.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact