

Federal Court Blocks University of Maryland's Unconstitutional 'Expressive Event' Ban

ACLU, FIRE, and Knight Institute say decision is an important victory for students' First Amendment rights

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BALTIMORE —A federal court ruled today that the University of Maryland Students for Justice in Palestine's vigil scheduled for October 7th can move forward. This comes after the University of Maryland unconstitutionally banned all student-led expressive events on that day.

Last week, the American Civil Liberties Union, the ACLU of Maryland, the Foundation for Individual Rights and Expression, and the Knight First Amendment Institute at Columbia University filed an [amicus brief](#) in support of University of Maryland Students for Justice in Palestine's lawsuit challenging the ban on First Amendment grounds. The free speech organizations argued that the university's ban is unconstitutional because the restriction singles out speech based on its message and fails to meet the high bar therefore required by the First Amendment to justify it.

"The right to engage in free exchange of ideas on campus is not a right that can be taken away because people in power do not want to hear them," said **Nick Taichi Steiner at ACLU of Maryland**. "Universities must foster an environment where all students feel able to express themselves, their opinions, and their emotions. UMD denied that to the Students for Justice in Palestine and violated their First Amendment rights. We're grateful for the court's decision to overturn this viewpoint and content-based ban."

The Council for American-Islamic Relations and Palestine Legal represent the University of Maryland Students for Justice in Palestine, which initially received university permission to host a vigil on the anniversary of October 7 to mourn lives lost in Gaza over the past year. However, after facing complaints about the event and the sponsor, the University of Maryland revoked its permission. The university subsequently instituted a blanket ban on all student-led "expressive events" for October 7, and declared that the university system would allow only "university-sponsored events that promote reflection."

“This is an important victory for free speech,” said **Alex Abdo, litigation director at the Knight First Amendment Institute at Columbia University**. “It’s unfortunate, though, that it took a federal lawsuit to reaffirm the rule that the First Amendment prohibits public universities from censoring speech based on disagreement with its message or the offense it may cause.”

The groups’ amicus explained that this ban is a clear effort to silence speech about Israel and Palestine — and SJP’s message in particular — because the university limited it to a uniquely salient day, and was only declared after others voiced their displeasure with the vigil. The amicus also explains that, even if the ban were not focused on burdening particular messages, it would still be unreasonable, both because it would undercut the public university’s core function of encouraging free debate and open dialogue, and because it would be impossible to discern what kinds of events are allowed on UMD campuses that day and what are not.

“Courts don’t take preliminary injunction requests lightly, but it was as clear to the court as it was to our coalition that UMD’s blanket ban would have constituted a serious and irreparable burden on student speech,” **said Alex Morey, FIRE’s vice president of Campus Advocacy**. “Students have a First Amendment right to speak on their public campus on October 7th, and UMD’s effort to delay that speech to a day that’s more convenient for them was, plain and simple, unconstitutional.”

The amicus can be found here:

<https://www.aclu.org/documents/university-of-maryland-students-for-justice-in-palestine-v-board-of-regents-amicus-brief>

Read today’s decision here:

https://storage.courtlistener.com/recap/gov.uscourts.mdd.567249/gov.uscourts.mdd.567249.35.0_1.pdf