

Banishment of over 110 protesters by UCSC protester bans challenged in new legal complaint

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Lawyers representing pro-Palestinian students, faculty and staff barred from University of California Santa Cruz (UCSC) campus last year have filed a complaint for injunctive and declaratory relief against the Board of Regents, calling for an immediate halt to the banishment of protesters against the Gaza genocide from campuses.

In May, 112 peaceful protesters were arrested on UCSC campus by riot police. This was carried out under the pseudo-legal guise of Section 626.4 of the California Penal Code, which allows officials to revoke access to campus for up to 14 days “whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility” with the caveat that all those accused be given the chance of a hearing. All protesters were charged with misdemeanors under the same law. To date, however, there has been no arraignment to formally hear the charges against them which is effectively being held over the protesters.

The complaint detailed the significant damage to those persecuted by the administration, noting that “individuals lost access to housing, jobs, classes, school resources, healthcare, and other campus services.” Students even missed exams and failed courses because UC prevented them from returning to campus.

Crackdowns have continued at the UC system, as throughout the country, into the fall Semester. UC administrators purchased an extensive list of “military equipment” to be used against protesters last month, including drones, “breaching tools,” grenade launchers with sponge and chemical rounds, and more. This nationwide crackdown has been carried out with full bipartisan support from the White House down to the

California Democratic Party.

The ACLU, which is representing the protesters, is seeking a court injunction to prevent UC Santa Cruz from banning protesters from campus without proper hearings or proof of “substantial and material threat of significant injury to persons or property” required under the law.

The lawsuit reads:

Defendants did not first provide notice or an opportunity to be heard as required by law, and they made no individualized findings to justify such an extreme, punitive measure. The impact of being instantaneously banished from campus was devastating. Individuals lost access to housing, jobs, classes, school resources, healthcare, and other campus services.

This action challenges the unconstitutional and unlawful manner in which Defendants summarily banned Plaintiffs from the UCSC campus. Defendants’ conduct violates not only Plaintiffs’ due process, free speech, and free assembly rights under both federal and state law, but also the plain text and procedural safeguards specifically prescribed by Section 626.4.

The complaint points to the blatantly illegal actions taken by the UCSC administration, who “indiscriminately banned more than 110 people arrested by UCSC police while dispersing a protest on May 31, 2024. The campus police, acting under

Defendants' direction, handed out identical one-page Section 626.4 Notices to arrestees."

A hearing for the preliminary injunction has been set for November 19 according to Chessie Thacher, a senior attorney with the ACLU of Northern California.

The attack on peaceful protesters had nothing to do with presenting a "substantial and material threat of significant injury to persons or property," the ACLU argues, which is the prerequisite as per the aforementioned law.

Instead, this was seized upon as a pretext to carry out mass arrests: "The officers handed out so many of these form notices en masse that they eventually ran out of paper and resorted to verbally informing students and faculty of the ban."

Some people were not even given any notice, likely indicating that security camera footage was reviewed after the fact in order to ban protesters. No hearing or opportunity to be heard was provided before any of the bans went into effect, according to the suit.

The law itself was anti-democratic from the start. It was authored in 1969 in reaction to the Vietnam War protests taking place on US campuses. It was recently expanded in 2022 by the Democratic state government to cover private schools as well.

That the UC Regents, and by extension the California government and US ruling class, is willing to resort to physical and legal coercion expresses the advanced decay of democratic norms in the United States, driven above all by expanding imperialist war. No opposition to war, no matter how peaceful, is to be allowed, and the basic right to freedom of assembly and expression is being ripped up.

In New York, administrators at Cornell are attempting to deport student Momodou Taal for his involvement in a peaceful protest against military contractors last month. The university president issued a furious denunciation of Taal, which his attorney Eric Lee characterized as "Orwellian ... a powerful and well-connected Ivy League administration is forcing one of its own students off campus and out of the country because it disagrees with his defense of the Palestinian people. It is urgent that the campus and the broader population come to Mr. Taal's defense to prevent Cornell from setting this dangerous precedent."

US government proxies are also carrying out massive attacks on democratic rights. The Ukrainian

government has arrested Bogdan Syrotiuk, a young Ukrainian Trotskyist opposed to the war with Russia on the basis of socialist internationalism, and held him virtually incommunicado. The *World Socialist Web Site* and the International Committee of the Fourth International, with whom Syrotiuk is in political solidarity, have launched a vigorous global campaign demanding his release.



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