



May 8, 2024

VIA EMAIL AND
FIRST CLASS MAIL

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James E. White
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Detroit Public Safety
Headquarters
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Re: Violation of Ceasefire Choir's Free Speech Rights at Campus Martius

Dear Ms. Pasky, Mr. Duggan, and Mr. White:

The Civil Rights Litigation Initiative, a legal clinic at the University of Michigan Law School, represents Kim Redigan, a member of the Detroit-based activist group, Ceasefire Choir. Security guards at Campus Martius violated Ms. Redigan's free speech on December 30 and January 5, in clear violation of both a Detroit ordinance and the First Amendment. This is not the first-time officials have suppressed free speech rights at Campus Martius. We ask that you take immediate action to ensure that this censorship does not happen again.

Ceasefire Choir is a faith-based organization comprised of community activists who coalesced throughout the holiday season to carol for a permanent ceasefire and end to the Israeli occupation of Palestine. On December 30, 2023, and January 5, 2024, members of Ceasefire Choir, including Ms. Redigan, were peacefully singing in Campus Martius, a public park maintained by the nonprofit organization Detroit 300. In the course of their demonstration, the group sang songs for a permanent ceasefire in Palestine while carrying a banner reading "Peace and Joy - Ceasefire Now." The group was not violent, loud, or interfering with pedestrian traffic. Nonetheless, they were told by three Detroit 300 security officers that they had to leave because they were on *private property* and the topic of their singing was *inappropriate*.

These acts of censorship by Detroit 300 clearly violate Detroit ordinances regulating [free speech in Campus Martius](#), Detroit Code §§33-2-21 and 33-2-32, and [free speech in Detroit](#) generally. Detroit Code §§33-1-61 and 33-1-67. See Exhibits A and B. Both ordinances were enacted in 2015 after Moratorium Now, a housing activist group, sued Detroit 300 and the City of Detroit after their speech was censored in Campus Martius. The Campus Martius ordinance, among other things, allows protests in Campus Martius without a permit so long as there are fewer than 25 people, and they do not use amplification. See Exh. A. Detroit 300 further violated the protections of the First Amendment to the United States Constitution. These acts threaten the rights Ms. Redigan and her fellow activists and compromise the City of Detroit's commitment to protecting the Free Speech rights of everyone, regardless of their message.

Suppression of Pro-Palestinian Speech at Campus Martius Park

On December 30, 2023, approximately 13 faith-based members of the Ceasefire Choir gathered to sing ceasefire Christmas carols at Campus Martius Park. The group carried a banner reading “Peace and Joy - Ceasefire Now” while singing songs. They laid out green and red signs with doves and messages such as “Love Thy Neighbor,” “Permanent Ceasefire,” “Stop Funding Genocide,” and “End Antisemitism and Islamophobia.”



Ceasefire Choir in Campus Martius Park standing in Campus Martius on December 30, 2023

The choir stood in front of the tall Christmas tree leaving ample room for pedestrians to walk in the park. Members of the choir offered leaflets to passersby who were interested in reading more. They did not use any amplification devices.

After 45 minutes of singing, three Detroit 300 security guards wearing vests reading “Business Improvement Zone” instructed the choir members they needed to stop their demonstration or leave the park because they were on *private property*. Kim Redigan and Denise Griebler, the group’s police liaisons, spoke with the officers. They attempted to explain that Campus Martius is a public park and showed them the details from the 2016 settlement agreement reached in the *Moratorium Now* case which allows protests in Campus Martius without a permit. The security supervisor reiterated that they were on private property, and threatened to call the police. She said the problem was not that the group was singing, but that they were singing about a controversial topic that asked people to take a side on their message.

One of the security guards showed Ms. Redigan and Ms. Griebler where they could sing: outside the park on the sidewalk near the Michigan Soldiers and Sailors Monument. The guard then brought Kim and Denise to speak with the security supervisor. The supervisor refused Kim’s request to contact someone from the city to straighten out the problem. She reiterated

multiple times that the group was on private property, and the problem was that the group was singing about a controversial topic in a “family space,” not the fact that they were singing.

On January 5, 2024, members of the Ceasefire Choir attempted to return to Campus Martius. As the group approached the park, they observed the security supervisor who had forced them out on December 30. When the security supervisor saw the group approaching, she told the choir they were not permitted to sing there before they even had the opportunity to sing a note.

Settlement of Lawsuit Over Past Suppression of Speech in Campus Martius and the Ordinance Passed to Resolve the Case

Campus Martius is a historic public park in the City of Detroit that has been named the [“Top Public Square” in the United States by USA Today](#). On July 23, 2003, the City entered into a Professional Services Agreement (PSA) giving Detroit 300 the responsibility of maintaining, managing, and operating Campus Martius on behalf of Detroit. The PSA did not abrogate the public nature of the park, explicitly describing Campus Martius as “a public space owned by the City.”

In 2015, the ACLU of Michigan sued the City of Detroit and Detroit 300 on behalf of a housing advocacy group called Moratorium Now! and some anti-violence advocates in the case [Moratorium Now, et. al. v. Detroit 300 Conservancy, et. al.](#), (Eastern District of Michigan Case No. 2:15-cv-10373-BAF- RSW). This case arose out of two incidents where Detroit 300 and the City of Detroit prevented activists from Moratorium Now! and an anti-violence group called Women in Black from passing out handbills and petitioning in Campus Martius in violation of their First Amendment Rights. The case concluded in a [2016 settlement](#), committing the City of Detroit to protecting the First Amendment rights of its citizens in all its parks, including Campus Martius. To ensure this commitment, the Detroit City Council enacted two ordinance [protecting free speech in Detroit generally](#), and in Campus Martius specifically. See relevant provisions in Exhibits A and B.

The [Campus Martius ordinance](#) allows protests in Campus Martius without a permit for groups of twenty-five people or fewer. Groups of twenty-five people or more must request a permit to engage in demonstration activities, in contrast to the forty-five-person threshold for other parks in the city. No “leafleting, petitioning, solicitation, or demonstration activities” are permitted “within 10 feet of the outdoor dining area,” on the ice rink, on stages, or in tents, nor may they involve amplification devices or utilize any monuments, public art, or trees.

The Censorship of Ceasefire Choir Violates the Detroit Ordinance Regulating Speech at Campus Martius and the First Amendment

In light of these facts, it is clear that Detroit 300, in managing Campus Martius on behalf of the City of Detroit, has not only violated the Detroit free speech ordinances, but has once again deprived peaceful protestors of their First Amendment rights in the park. In administering a public park for the City of Detroit, Detroit 300 unquestionably serves as a state actor. *Chapman*

v. Higbee Co, 319 F.3d 825, 833 (6th Cir. 2003) (A “private party is deemed a state actor if he or she exercised powers traditionally reserved exclusively to the state.”) As such, it is liable under 42 U.S.C. § 1983 when it violates individual rights protected by the U.S. Constitution.

The First Amendment has long prevented the government from suppressing speech on the basis of its content in parks without a significant government interest because parks “have in immemorially been held in trust for... purposes of assembly, communicating thoughts between citizens, and discussing public questions.” *Hague v. Committee for Indus. Org.*, 307 U.S. 498, 515 (1939). No regulation of speech may be predicated on its “message, ideas, subject matter, or content.” *Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). Further, while Detroit 300 carries out front-line management of Campus Martius, the City of Detroit bears a nondelegable duty to protect the rights of citizens in public parks and is also liable for violations by private parties to whom it entrusts these spaces. *Newton v. Evans*, 382 U.S. 296, 299-301 (1966).

In this case, the Detroit 300 security guards explicitly told the Ceasefire Choir singers that they could not sing in Campus Martius because they were singing about *controversial* topics and the problem was *what* they were singing about. This is explicit content and viewpoint-based restriction of speech in a traditional public forums. Because Ceasefire Choir called for peace in Palestine, Detroit 300 suppressed their speech. Because of *what* they were saying, not how they said it, Detroit 300 denied them access to a public park. In so doing they violated the First Amendment rights of members of the Ceasefire Choir.

This conduct evinces a failure on the part of Detroit 300 and the City of Detroit to properly train security personnel about the Detroit Free Speech Ordinance and the basic principles of free speech in public parks. The fact that Detroit 300 and the City of Detroit have not taken steps to ensure that the right to free speech is not infringed upon in one of Detroit’s most cherished parks is troubling, especially given that they were sued for this precise conduct less than ten years ago.

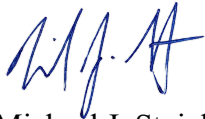
Requested Changes and Assurances

Ms. Redigan desires to settle this matter quickly and amicably. Towards that end, we ask for the following:

1. Assurances from the City of Detroit, Detroit 300, and other private actors employed by the City of Detroit that they will abide by the Detroit Free Speech Ordinance regulating speech in Campus Martius Park and other public parks in Detroit.
2. Assurances from the City of Detroit, Detroit 300, and other private actors employed by Detroit 300 and the City of Detroit that they will allow Kim Redigan and the Ceasefire Choir to demonstrate by May 22 in a manner consistent with the Detroit City Ordinance.

3. Orientation training and ongoing training about the free speech provisions of the Campus Martius and Detroit ordinances for Detroit 300 employees, security personnel and other private actors employed by Detroit 300 and the City of Detroit to manage the park.
4. Development of a policy under which residents may contact officials for Detroit 300 and the City of Detroit to fix any problems that arise in the future. The policy and the rules governing free speech should be posted on the Campus Martius webpage and the policy should name specific individuals who can be contacted along with their phone numbers and email addresses.

Very truly yours,



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Exhibit A:
**Detroit Ordinance Governing Free
Speech in Campus Martius**

Sec. 33-2-31. - Prohibited activities.

- (a) Leafleting, petitioning, solicitation or demonstration activities are prohibited in Campus Martius Park under the following circumstances:
- (1) Within ten feet of outdoor dining areas;
 - (2) On the ice rink or within ten feet of the rink to ensure such activities interfere with ice rink use and operations;
 - (3) On any permanent or temporary stages or tents which may be erected or utilized in connection with any other scheduled events; on stages or in tents which may be erected in connection with other scheduled events in the Park.
- (b) No activities shall utilize any monuments, public art, or trees in Campus Martius Park for any purpose.
- (c) No sound amplification shall be allowed in Campus Martius Park to accompany leafleting, petitioning, solicitation or demonstration activities without a permit.

(Code 1984, § 40-5-10; Ord. No. 28-15, § 1(40-5-10), eff. 12-2-2015)

Sec. 33-2-32. - Permit required; exceptions.

- (a) Groups of more than 25 individuals who desire to engage in leafleting, petitioning, solicitation or demonstration activities in Campus Martius Park must request a permit from the Recreation Department pursuant to Article I, Division 4, of this chapter.
- (b) During festivals or events open to the general public in Campus Martius Park, leafleting, petitioning, solicitation or demonstration activities shall be permitted in a manner consistent with Park Rules and laws applicable to such activities.
- (c) The City recognizes that the sidewalk surrounding Campus Martius Park, including that portion abutting the Soldiers and Sailors Civil War Monument, shall remain available for First Amendment activity unless such activity would endanger the public, unduly impede pedestrian or vehicular traffic, or in the event that the sidewalk is closed to the general public.

(Code 1984, § 40-5-11; Ord. No. 28-15, § 1(40-5-11), eff. 12-2-2015)

Exhibit B:
**Detroit Ordinance Governing Free
Speech in the City of Detroit**

Sec. 33-1-61. - Permit required for leafleting, petitioning, solicitation and demonstration activities; exceptions.

- (a) Groups of more than 45 individuals who desire to engage in leafleting, petitioning, solicitation, or demonstration activities shall obtain a permit from the Recreation Department.
- (b) Leafleting, petitioning, solicitation, and demonstration activities by a group of 45 or fewer individuals will be allowed without a permit, unless:
 - (1) The activity unduly interferes or conflicts with a previously-issued permit for the same area;
 - (2) The location sought is not suitable because of landscaping, planting, or other environmental conditions reasonably likely to be negatively impacted by the proposed activity;
 - (3) The activity unduly impedes vehicular or pedestrian traffic, or endangers persons engaging in such activities or the public;
 - (4) The activity unduly impedes scheduled activities;
 - (5) The activity unduly impedes the operation and functioning of authorized commercial activities on park grounds;
 - (6) The activity violates any federal or state law or regulation, or this Code; or
 - (7) The activity requires sound amplification, except that a hand-held, battery operated megaphone is allowed without a permit, so long as its use will comply with Chapter 16, Article I, of this Code, *Noise*.
- (c) The permit requirements are subject to the provisions in Sections 33-1-67, 33-2-31, and 33-2-32 of this Code.

(Code 1984, § 40-1-61; Ord. No. 28-15, § 1(40-1-61), eff. 12-2-2015)

Sec. 33-1-67. - Instant permission to engage in expressive activity.

- (a) If a person or group otherwise qualified for a permit for expressive activity, that is, the proposed event or activity will not violate Section 33-1-65(e)(2)—(10) of this Code justifying a denial of a permit, including leafleting, petitioning, solicitation or demonstration, appears at a location where this expressive activity is allowed, with the purpose of engaging in this expressive activity, but does not have a permit to do so, and an officer of the Police Department responds to the location, such officer should contact the Director of the Recreation Department, or the Director's designee, by telephone or email or other similar means, to report the situation and to determine whether there are any events with permits scheduled for that location.
- (b) If there are no conflicting permits, the police officer shall allow the expressive activity to proceed, unless precluded by one of the following:
 - (1) The issuance of instant permission to engage in expressive activity would result in any actual diminution, caused by the lack of advance notice, in the ability of the Police Department, or the ability of other governmental agencies, appropriately to organize and allocate their

personnel and resources so as to fulfill their general missions and to protect the rights of both persons exercising free speech and other persons wishing to use the streets, sidewalks, parks or public places; or

- (2) The proposed event will create a substantial possibility of violent, disorderly conduct likely to endanger public safety or to result in significant property damage; or
 - (3) The proposed event will create a substantial possibility of unreasonable interference with pedestrian or vehicular traffic, or danger to the public notwithstanding the deployment of available governmental personnel.
- (c) In assessing whether the applicant shall be allowed to proceed with the activity requested without a permit, the fact that activity protected by the First Amendment is involved shall create a strong presumption that the activity should be allowed to proceed, assuming that no conflicting permit has been issued to others.
- (d) If, after having been notified that a person or group desires to engage in expressive activities without a permit, the Recreation Department determines that the proposed event or activity will violate Section 33-1-65(e)(2)–(10) of this Code justifying a denial of a permit, the Recreation Department may request that the Police Department ask the person or group to disperse or relocate their activities.
- (e) The police officer should ask the person or group leader for a contact name, address, telephone number and email, and for the reason why the person or group did not or could not apply for a permit under the normal permit application rules. The officer should convey that information to the Recreation Department. The response to the officer's inquiries, or the failure to provide a response, shall in no way be considered in deciding whether to grant or deny permission to engage in the expressive activity at issue.
- (f) If the Director of the Recreation Department or the Director's designee cannot be reached, and it cannot be determined whether there are any previously scheduled activities or events for the location at the time of the proposed expressive activity, the Police Department shall allow the non-permitted expressive activity to take place subject to the provisions above. In the event that a person or group with a permit to conduct an activity at the same time and place arrives at the location, persons engaged in non-permitted activities shall vacate the area for use by the permit holder and may be directed to disperse or relocate their activity. The fact that a person or group otherwise qualified for a permit for expressive activity, such as leafleting, petitioning, solicitation and demonstration, does not have a permit shall not, by itself, be a basis to order the group to disperse, even if Director of the Recreation Department or the Director's designee cannot be reached.
- (g) If, at any time after the grant of permission to engage in expressive activity without a permit, there is a material change in any of the criteria listed in Subsection (b) of this section, which would have warranted denial of permission to engage in expressive activity without a permit, that

permission may be withdrawn.

- (h) If a private security guard employed to patrol the area where the expressive activity is taking, or will take place, responds to the location before the Police Department, the security guard shall immediately contact the Police Department, which shall take action in accordance with this section. The private security guard shall allow the expressive activity to commence or continue until the Police Department arrive unless the proposed event will create a substantial possibility of violent, disorderly conduct likely to endanger public safety or to result in significant property damage, or will interfere with a previously scheduled permitted activity.

(Code 1984, § 40-1-67; Ord. No. 28-15, § 1(40-1-67), eff. 12-2-2015)