

Court Rejects U.D. Reinstatement

Fifth Estate Collective

1972

A Circuit Court judge ruled against the request of the recently fired Sociology Dept. Chairman at the University of Detroit for a restraining order preventing the ouster this month.

But the judge indicated support for a motion which would permit an early trial on the main suit, which demands reinstatement of the fired teacher.

Carleton Smith, a radical educator, was fired as chairman of U-D's Sociology Dept. on November 13, in what Smith has termed "a political purge." Four other progressive Sociology instructors were also fired by U-D.

Smith filed suit in Wayne County Circuit Court in early December, charging that his firing constituted breach of contract, and demanding reinstatement.

He also asked Circuit Court Judge Horace Gilmore for a restraining order to prevent the ouster until the main suit could be tried. The other four instructors are also pursuing appeals to regain their jobs.

JUDGE DENIES INJUNCTION

On December 7, Judge Gilmore denied the motion for the restraining order. Smith, however, remained optimistic about the results of the case. "Judge Gilmore denied our motion very hesitantly," he said. "And he urged our attorney to move for a hearing, so the case can be heard within the next two or three months." (Normally, it takes as long as one or two years for a civil suit to come up on the court calendar.)

"So it really was not a bad day in court," Smith continued. "We are obviously disappointed that the restraining order wasn't granted. But we're pleased that the case on our main suit will be heard by January or February."

The four teachers have filed an appeal with U-D's Rank and Tenure Committee, charging that their firing constituted a violation of their academic freedom. The four charge that they were fired only because of their progressive political and educational views. University officials have refused to state why the four were fired.

The Rank and Tenure Committee will hear the four cases this month, as soon as its composition is selected. The fired teachers have challenged some of the committee's members, claiming prejudice against their case.

PLAN BROADER MOVEMENT

Perhaps more important than these legal activities, students and faculty at U-D plan to continue their efforts to build a movement committed to winning reinstatement of the popular faculty members.

"We plan to redefine our struggle beyond the confines of U-D when the new term begins in January," Carleton Smith said. "We will try to make the connection between what had happened here, and other instances of academic repression in the country, especially the murders at Southern University in Louisiana."

Smith said U-D people were planning for a massive teach-in, to be held in early January, which would bring in speakers from around the country to discuss repression in the universities, and to develop political strategies to meet such repression.



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