

Detroit schools' injunction against teachers: An anti-democratic attempt to crush protests

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23 January 2016

On Wednesday, Detroit Public Schools (DPS) filed a complaint for injunctive relief in the Michigan Court of Claims against thousands of teachers who have been participating in “sickouts” to protest devastating conditions in the city’s public school system. Though Judge Cynthia Diane Stephens rejected DPS’s motion for a temporary restraining order on Thursday, the injunction is still on the table and a “show cause” hearing is scheduled for Monday.

On the same day that DPS filed its complaint, 90 percent of Detroit schools were closed as a result of teacher sickouts. Acting independently of and in opposition to the Detroit Federation of Teachers (DFT), teachers continued their protests against decades of budget cuts and the funneling of school funding to private, for-profit charter school businesses. As a result of these policies, Detroit’s public schools are in shambles, suffering from rat infestation, the growth of black mold and mushrooms, a lack of heating and holes in ceilings and floors.

Teachers are defending not just themselves but also the district’s 46,000 children, 57 percent of whom live in poverty. Due to school underfunding and deplorable living conditions for working class children, only 18 percent of Detroit students are college-ready when they graduate high school, according to data released by the Michigan Department of Education in 2014. A 2011 report by the National Institute for Literacy revealed that 47 percent of Detroit adults—200,000 people—are functionally illiterate.

DPS’s legal action is an attack on the democratic rights of teachers and on the working class’s right to education. First, the complaint is based on Michigan’s reactionary anti-strike law, which makes it illegal for teachers and other public sector workers to strike. Second, the home addresses of the 22 teachers named as defendants were published in the complaint, with DPS citing teachers’

Facebook posts and comments to the media as justification for civil penalties totaling over \$25,000.

Third, in a January 15 order from DPS Emergency Manager Darnell Earley—who also served as Flint’s emergency manager and helped cover up the poisoning of the city’s water—the district ordered teachers to snoop on their coworkers.

Teachers “must immediately make a written report to the Emergency Manager each and every time the employee receives or is aware of information advocating for a strike or other unauthorized concerted work stoppage,” the order reads. “Failure to immediately comply with this order may be grounds for discipline up to and including termination.”

The complaint for injunctive relief has been filed as part of a city, state and federal government strategy to crush the demands of Detroit teachers. Detroit’s Democratic Mayor Mike Duggan announced his opposition to the sickouts Wednesday, stating, “the solution is not to send the kids home.” The state legislature will soon be voting on legislation allowing officials to immediately decertify and fine teachers en masse for their involvement in the protests. At the same time, the DPS is threatening the DFT with fines in order to create an additional incentive for it to suppress the opposition of teachers.

The DFT is leaving the teachers completely isolated and unprepared in advance of Monday’s hearing. One of the teachers who is a named defendant told the *World Socialist Web Site* that although just days remain before the court appearance, the DFT had not provided this teacher with an attorney. The DFT did not return a call seeking comment on the matter.

In its complaint, DPS seeks to blame teachers for the conditions caused by decades of neglect at the hands of the district and the government.

DPS claims the teachers’ actions “have and will have an adverse impact on...the public at large” and that

teachers are “adversely impacting the academic progress of DPS students.”

The school district also blames teachers for the hunger and poverty of tens of thousands of students, saying they are “depriving DPS students of breakfasts and lunches provided at school” and are “causing a decline in DPS enrollment.”

The claims against the teachers are based on legal theories that reveal the hostility of the ruling class toward teachers and public education.

For example, Count II of the DPS complaint alleges, “The Michigan Revised School Code prohibits a public school district employee from engaging in conduct that is or causes a violation of the school code.” By this logic, DPS has proven itself guilty, because the code also states that the school district is responsible for “providing the safety and welfare of pupils while at school,” and for “maintaining, repairing, [and] renovating” school buildings. (MCL 180.11a(3)(b-c)). For decades, DPS has allowed conditions to deteriorate to such a degree that teachers are forced to demand an improvement through protest.

Count III claims that teachers have intentionally interfered with the contract between DPS and the DFT, but under Michigan law an intentional interference with contract claim can only succeed if the interference is “unjustified.” (*Mahrle v. Danke*, 216 Mich. App. 343). Here, the teachers’ action is justified by the fact that without their intervention, difficult learning conditions for tens of thousands of children would continue to deteriorate even further.

Furthermore, the fact that the collective bargaining agreement between DPS and the DFT contains no provisions relating to the conditions of schools is proof that the union has no interest in protecting teachers or public education and is only interested in collecting teachers’ dues money. The contract itself is an agreement between DPS and DFT. Since neither party represents the interests of teachers, why must they be contractually bound by the terms of the agreement? Protest actions are therefore justified by the fact that there is no other way of addressing the crisis in public education.

In Count IV, DPS claims the teachers have interfered with their “advantageous relationship...with creditors [and] financial rating services.” This is a striking admission. In the DPS’s view, slashing funding to pay off Wall Street creditors supersedes the right of students to learn in safe, clean and heated schools.

Even if DPS can prove that teachers violated the

collective bargaining agreement, teachers will want to know why *they* cannot oppose the terms of a contract when Michigan Public Act 436 says that the emergency manager can “reject, modify, or terminate 1 or more terms and conditions of an existing collective bargaining agreement.” According to PA 436, the emergency manager can wield such powers if there is a “legitimate public purpose.”

There is no legitimate public purpose for slashing funds for public education and filing injunctions against teachers for protesting deplorable school conditions. For decades, the siphoning of funds from social programs like public education has only served to enrich a financial elite who have subordinated every social interest of the working class to the drive for personal profit. When workers oppose conditions that are the outcome of these policies, the government brings to bear the full force of the law.

But teachers have powerful allies in many sections of the working class who face similar conditions in their workplaces and communities. Many workers in Detroit have children at DPS schools and sympathize deeply with the struggle of the teachers.

The Socialist Equality Party has called an emergency meeting at Wayne State University on Wednesday, January 27 to bring together all sections of the working class. At this meeting, teachers, autoworkers, students and youth will discuss the crisis in Detroit and Flint and the urgent need for workers to develop their own strategy. We call on all workers to attend this meeting.

Meeting details:

Wednesday, January 27, 7:00 p.m.

Wayne State University

Student Center, Hilberry Room C

5221 Gullen Mall, Detroit, Michigan

Map



To contact the WSWS and the Socialist Equality Party visit:

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