

Appellate Court

Firing of Angela Again Held Illegal

Los Angeles

The dropping of Angela Davis from the UCLA faculty because of her membership in the Communist party has been ruled unconstitutional by the State Court of Appeal, it was announced yesterday.

The majority decision, rendered in an unsigned opinion by the Second Appellate District here, affirmed a 1969 ruling by Superior Court Judge Jerry Pacht.

Previous United States Supreme Court and California Supreme Court decisions holding that mere membership in the Communist party cannot bar employment of a teacher are binding, the court said.

Justice John R. Allport dissented, saying that for Pacht to decide the question summarily without a trial was

not only an error but an abuse of discretion.

Miss Davis, former acting assistant professor of philosophy at UCLA, is awaiting trial on murder, kidnaping and conspiracy charges arising from a 1970 gun battle in Marin county in which four persons were killed.

The University of California Board of Regents had in 1969 initiated steps to discharge her in accordance with previous board resolutions that Communist party members were not to be employed.

Although Miss Davis was not reappointed for a second year, the Court of Appeal held the case was not moot because the constitutional validity of the regents' resolutions "presents a question of continuing importance."

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