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THE FINAL WORD

Don't use courts to suppress dissent



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Some liberals are all in favor of free speech — until they are on the receiving end.

The latest example is the Michigan Education Association's attempt to harass the conservative-oriented Mackinac Center for Public Policy with a lawsuit on the grounds that it "misappropriated" the name of MEA President Luigi Battaglieri in a fund-raising letter last December.

In the letter, Mackinac President Lawrence Reed said "you don't have to take my word" for the fact that Mackinac is doing an effective job. He quoted Battaglieri as telling a press conference that "quite frankly, I admire what they [the Mackinac Center] have done." Added Reed: "Mr. Battaglieri, whose union is generally at odds with the Mackinac Center, said this with respect to how Mackinac Center research has shaped education reform in Michigan and around the nation."

Not even the MEA denies that Battaglieri was quoted correctly. It's also clear he was quoted in context. Thus it would be very surprising if the Lansing Circuit Court in which the suit was filed didn't throw the whole matter out as ridiculous on its face. The Institute for Justice, which is providing free legal counsel to Mackinac, points out that other courts around the country have denied such claims even when there was an

express commercial purpose to the alleged misappropriation.

The First Amendment, after all, was written to encourage political debate, not suppress it. And the purpose of Mackinac is to further discussion of the issues. Among other things, the offending newsletter cited Mackinac's considerable role in preparing the intellectual climate for charter schools and more choice in education. It also pointed out that public school revenues have increased by more than 50 percent since 1995, double the rate of inflation, while only 46 percent of Michigan public education employees are actually teachers, "the worst performance rate in the nation."

It is precisely such views that are the real reason for the MEA's legal attack. The MEA started its own "think tank" last year to counter Mackinac's success in spreading its ideas, but nobody paid much attention — possibly because the union doesn't have much of a case to make beyond arguing for ever-higher taxes with which to pay ever-higher salaries to its members.

Indeed, Battaglieri called his now-famous press conference specifically to whine about the MEA's inability to get its own message across.

"I think I've worked with the media enough that I expect the headline is going to be that the MEA takes on the Mackinac Center," said Battaglieri at the press conference. "I guess I expect their reaction to be one where they welcome us as new kids on the block to enter into the field that they've been into for a number of years now, and I assume they're going

to scrutinize our research just as much as we've scrutinized theirs. And so, quite frankly, I admire what they have done over the last couple of years entering into the field as they have and being pretty much the sole provider of research to the community, to the public, to our members, to legislators and so on."

The National Education Association several years ago tried to levitate a jihad against "the vast right-wing conspiracy" as a means of silencing dissent, but it didn't work. The Washington Education Association mounted an expensive ad campaign against a conservative think tank that exposed the WEA's misuse of union dues. Another reason for the MEA's lawsuit — which, interestingly, isn't even mentioned on the MEA web site — may be to get its hands on Mackinac's list of contributors, who could then be bludgeoned into withholding further support.

If it's not fair to quote a well-known public figure like Battaglieri at a press conference he himself called, then we can forget about the First Amendment. It won't be long before newspapers will be prohibited from quoting anything a politician, union official or businessman doesn't want to see in print. And if Battaglieri doesn't like his words being used to raise funds for his ideological enemy, then maybe he shouldn't have uttered them.

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