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THE FINAL WORD

MICHIGAN

Think tank wants union lawsuit dismissed

Associated Press

LANSING — A conservative think tank on Tuesday asked the Michigan Court of Appeals to dismiss a lawsuit filed against it by the state's largest teachers' union.

The Michigan Education Association sued the Midland-based Mackinac Center for Public Policy early last year after the Mackinac Center quoted the MEA's president in a fund-raising letter.

In December, a lower court ordered the case to go to trial.

The Washington-based Institute for Justice filed the appeal.

"The MEA's goal in filing suit against the Mackinac Center has apparently been to ensure that debate on educational issues in Michigan would be inhibited, mild and closed," said Clark Neily, senior attorney for the Institute for Justice.

Karen Schultz, a spokeswoman for the MEA, said the union hadn't received notice of the appeal Tuesday afternoon.

"We're prepared to go trial on this

case," Schultz said. "We're hopeful that the Court of Appeals will not interfere with the case."

If the appeal is denied by the appellate court, the case will go to trial on March 3.

The MEA sued because it said the Mackinac Center used MEA President Lu Battaglieri's name to raise money by including a quote from him in a fund-raising letter. The Mackinac Center says courts have established the right of non-profit groups to distribute newsworthy information, and that the news value of the letter superseded its use as a fund-raising tool.

The letter, which is no longer being used, said: "This fall, Luigi Battaglieri ... stated, 'Frankly, I admire what the Mackinac Center has done.' 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."