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Court rejects suit about endorsing a rival

By TIM MARTIN
ASSOCIATED PRESS

LANSING — The Michigan Court of Appeals has thrown out a lawsuit filed by the Michigan Education Association against a free-market think tank.

The MEA, the state's largest teachers union, sued the Mackinac Center for Public Policy in 2002 for what the union said was improper use of comments made by union president Lu Battaglieri in a Mackinac Center fund-raising letter.

The appeals court decision, released last week, said the case should have been dismissed by an Ingham County court.

The ruling said the Mackinac Center's publication was a matter of free speech because its subject was of legitimate public concern.

"We have said from day one this was a totally frivolous lawsuit," said Clark Neily, an Institute for Justice attorney representing the Mackinac Center. "It had no merit."

The MEA does not plan an appeal to the

state Supreme Court, spokeswoman Margaret Trimer-Hartley said.

The MEA and the Midland-based Mackinac Center often have been at odds on issues such as charter schools and private school vouchers. But a comment from Battaglieri, made in late 2001, found its way into a Mackinac Center fund-raising letter.

The comment was made at a news conference that in part criticized the center. Battaglieri was announcing a rival think tank to research education policy, the appeals court ruling noted.

The fund-raising letter, sent to 20,000 addresses, 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."

The MEA claimed the center's use of the comment was improperly for commercial ben-

In a fund-raising letter, the Mackinac Center used a favorable quote from a Michigan teachers union leader, a frequent opponent. The union sued.

efit.

The appeals court acknowledged the fund-raising letter's purpose, but said the letter also addressed issues of public interest.

The court ruling dismissed the MEA's claim that the letter implied Battaglieri endorsed Mackinac Center findings.

"It is highly unlikely that the recipients of the letter would conclude that Battaglieri was suddenly supportive of Mackinac's positions notwithstanding the longstanding, well-known and sharp differences of opinion between Mackinac and the MEA in the past."