

# Detroit Free Press

## Public Remarks

*Ruling rightly defends the freedom to quote*

**A**n unqualified victory for free speech is rare enough these days that it must be noted. The Michigan Court of Appeals delivered one late last week, dismissing a lawsuit filed by the Michigan Education Association against the Mackinac Center for Public Policy, a Midland think tank that generally disagrees with the teachers' union on issues, notably charter school expansion.

The legal donnybrook dates back to Sept. 27, 2001, when MEA President Lu Battaglieri, at a news conference to announce the formation of a rival think tank, acknowledged that he admired some of the Mackinac Center's work. True to its free-market principles, the Center grabbed a Battaglieri quote and included it in a fund-raising letter, praise from one's enemies being credible praise indeed.

The MEA sued, claiming its leader's very public remarks in a very

public setting were effectively being misappropriated to benefit the Center, which Battaglieri had no intention of doing.

In throwing out the suit, the Court of Appeals said Battaglieri's remarks were presented in context, including an acknowledgement of the Center's "at odds" relationship with MEA. The court also agreed that while the letter was about raising money, it also involved a substantial discussion of public policy issues, which is protected under the First Amendment.

Battaglieri is hardly the first public figure to be unhappy about seeing his public remarks being put to use by an opposing interest. But the usual response to such an exercise of free speech is free speech back — criticizing and complaining in a very public way. The MEA chose, instead, to take it to court, which seems a questionable use of union resources.