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THE FINAL WORD

State Court Shouldn't Let Feud Trample Free Speech

Teachers union case against think tank should be dismissed

The Michigan Court of Appeals should dismiss a lawsuit by the Michigan Education Association against the conservative Mackinac Center for Public Policy Research. If the court allows the teachers union's logic to prevail, free speech would be trampled.

The brouhaha began in 2001, when MEA President Lu Battaglieri acknowledged at a press conference that "quite frankly, I admire what they (the Mackinac Center) have done...." The nonprofit research group and public education critic used part of the quotation in a fund-raising letter.

The MEA then sued, saying the center had misappropriated the "likeness" of Battaglieri

and, under commercial speech law, was required to get permission to use the quotation.

Battaglieri made his comment to the press. If the courts follow the MEA's argument, news organizations would have to seek prior approval from groups before publishing their officials' public comments.

Of course, this fight really is about something else. The Mackinac Center's consistent attacks on labor unions, particularly teacher unions, no doubt have riled the teachers for years. Did the think tank use the quote to thumb its nose at the union? Is the union fighting back?

No matter. Let's not allow free speech rights to pay a price in this long-running feud.