

# The Detroit News

THE FINAL WORD

## MEA deserves thumping by appeals court



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The Michigan Education Association, long a national leader in the teachers union movement, took a much-deserved punch to the solar plexus last month from the Michigan Court of Appeals.

In a 3-0 decision, the court ruled that the MEA's lawsuit against the Mackinac Center for Public Policy, a conservative think tank, for (accurately) quoting MEA President Luigi Battaglieri violated the First Amendment. The suit should not even be accorded the dignity of a trial, the appeals court said, adding it lacked the "circumstantial evidence" needed to make a case. The MEA, which has received a thumping even in the liberal press for its action, indicated that it will drop the matter.

As well it might. The legal action was threatening to make the MEA a national laughing stock.

It all started with a press conference called by Battaglieri in September 2001 to announce the formation of an MEA-sponsored think tank whose first act was to issue a diatribe against the Mackinac Center, which has long supported increased educational choice for parents.

During the press conference, Battaglieri confessed that "quite frankly, I admire what they [the Mackinac Center] 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...."

The folks at the Mackinac Center, who among other things possess an asset — a sense of humor — sorely lacking in left-wing circles, promptly fired off a fund-raising pitch to supporters using the quote. See, Mackinac was saying, even our enemies agree we're highly effective at what we do. The MEA filed suit, claiming "misappropriation" of its name and demanding that Mackinac cease and desist, even though it never claimed Mackinac had misquoted Battaglieri.

That was mistake No. 2.

Mackinac stirred up plenty of editorial sympathy for itself as a defender of the First Amendment. This cast the MEA, which likes to think of itself as progressive, in the unwelcome role of political troglodyte. Even some of its own members wrote newspapers to complain that at a time when the MEA was suffering a huge \$10 million deficit, paid for by a record dues increase last year, it was wasting money on a frivolous lawsuit aimed at silencing democratic debate.

Some lesson for Michigan's school kids.

But then this kind of waste of teachers' hard-earned dues is nothing new. The National Education Association, the mother organization of the state chapters, is being audited by the Internal Revenue Service for questionable political uses of its \$271 million in annual dues, according to

news reports late last year.

The NEA claims it only uses the funds to pay for political activity "in the general sense of the term" — that is, voter education, lobbying and non-partisan get-out-the-vote activity and so on. But a 2002 study by the Center for Responsive Politics, which monitors political donations, found that 95 percent of NEA contributions went to Democrats. And Landmark Legal Foundation, which pushed for the IRS probe, says \$90 million in national and state NEA money was used to train and fund an "army of campaign workers."

Whether or not the IRS finds the NEA crossed the admittedly muddy boundary between acceptable and unacceptable uses of dues money, the gross politicization of an organization supposedly formed to help teachers professionally speaks volumes. The rise of teachers unions has coincided with the decline in educational achievement in America, posing a potential credibility crisis for the union. So it is trying to lock in its influence over education policy by buying a whole political party — and using the courts to shout down dissent such as that by the Mackinac Center.

In the long run, it won't work. The First Amendment guarantees that the truth will eventually come out.

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