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Pinkney case receives support from broad coalition

First Amendment Rights cited

By **Eric T. Campbell**

The Michigan Citizen

DETROIT ♦ Benton Harbor Rev. Edward Pinkney can now count a long and distinguished list of free speech advocates as supporters in his struggle to expose the Berrien County justice system. Law professors, religious organizations and free speech advocates submitted three lengthy amicus briefs to the Berrien Court, March 18 rebuking the court's sentencing and imprisonment of Pinkney in December 2007.

The ACLU of Michigan is representing Pinkney during his appeal of a one-to-three-year prison sentence. The sentence was a result of a 2007 editorial Pinkney wrote criticizing Berrien County Judge Alfred Butzbaugh. After Butzbaugh recused himself from the case, Judge Dennis Wiley ruled that Pinkney violated his probation by quoting Deuterotomy and calling Butzbaugh a racist.

After serving a year in various Michigan prisons, Pinkney is now free on bond pending his appeal. But he is under house arrest and has been denied the right to speak in public.

The three friend-of-the-court briefs, filed in the Michigan Court of Appeals, all argue that Pinkney's sentence was a clear violation of his First Amendment rights. The ACLU will present oral arguments in Pinkney's appeal in three to six months, according to ACLU Attorney Michael Steinberg.

He told the Michigan Citizen that the amount of legal support the case has received provides a strong legal foundation with which to proceed.

♦With respect to the religious groups, there are a number of them that you would not normally see sign on to such a cause, ♦Steinberg told the Michigan Citizen. ♦And it's difficult to get law professors to agree on anything. ♦

Eighteen law professors from the University of Michigan

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Law School, Michigan State University College of Law, Wayne State University Law School, the University of Detroit Mercy School of Law and the Thomas M. Cooley Law School collaborated on one of the briefs. In their statements, they argue: The First Amendment accordingly provides considerable breathing space to statements critical of public officials, including elected judges. The brief further explains, The criticism of public officials has been described as not just the right, but the duty, of citizens in a democratic society.

Representatives from a coalition of religious organizations included in their brief examples of prophetic speeches given by religious figures. One cited Rev. Jerry Falwell's recent claim which blamed the terrorist attacks of Sept. 11, 2001 on pagans, abortionists, feminists, homosexuals, the American Civil Liberties Union and People for the American Way. Falwell was never prosecuted.

We think the briefs will assist the Reverend not only by the persuasive arguments that are presented, but the sheer number, Steinberg concluded.

Rev. Edward Pinkney is a pastor at Hopewell Baptist Church in Benton Harbor. His work with the Black Autonomy Network Community Organization (BANCO) and their protests of the Berrien County justice system led to his initial probation on an election fraud charge. An all-white jury convicted Pinkney of election fraud after he led a successful recall of City Commissioner Glenn Yarborough.

Pinkney told the Michigan Citizen that he's overwhelmed with the varied religious denominations that have put their support in writing through the briefs and other correspondences.

There are very few people in this country that would say what I did was a threat, Pinkney said in a brief phone interview. I just know we'll be successful with the appeal.

He says Benton Harbor residents will continue to protest against private developers hoping to commandeer public land. Jean Klock Park has been the focus of political discord in Benton Harbor. The Whirlpool Corporation has, with great public disapproval, gone ahead with its plans to privatize public park land belonging to the people of the city of Benton Harbor.

The Whirlpool Corporation will attempt to open the first portion of a private golf course on June 1. Pinkney thinks that the appearance of former president George Bush on May 28 may be timed to correspond with the opening.

They want to show people that they're still in control of

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this project,  Pinkney says.

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