

Religious Groups, Law Professors, Free Speech Advocates Join ACLU-MI in Support of Preacher Sentenced to Prison for Criticizing Judge

National and state organizations file 3 friend-of-the-court briefs in support of Rev. Edward Pinkney's case

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DETROIT – A diverse group of religious organizations, law professors and free speech advocates submitted three friend-of-the-court briefs today condemning the imprisonment of a Benton Harbor minister sentenced 3-10 years for writing an article criticizing a judge. Rev. Edward Pinkney, represented by the American Civil Liberties Union of Michigan, paraphrased the Bible in his article and predicted what God might do to the judge who presided over his case.

"We are thrilled with the overwhelming support from the religious community, constitutional scholars and free speech organizations," said Michael J. Steinberg, ACLU of Michigan Legal Director. "The groups persuasively argue for the fundamental American principle that a preacher cannot be thrown in prison for his religious speech even if some find it offensive."

The three friend-of-the-court briefs were filed in the Michigan Court of Appeals by more than a dozen national and local faith-based organizations; a group of Michigan law professors who teach and research in the area of First Amendment protections, civil rights, criminal law, and constitutional law; and the Thomas Jefferson Center for the Protection of Free Expression.

* The religious freedom brief represents the views of a wide array of religious and faith-based groups including: the National Association of Evangelicals, the American Jewish Congress, the Christian Legal Society, the Baptist Joint Committee for Religious Liberty, the Becket Fund for Religious Liberty, the Liberty Legal Institute, the General Assembly of the Presbyterian Church, the National Baptist Convention, the African Methodist Episcopal Zion Church, the Gamaliel Foundation, the American Baptist Home Mission Society, the Samuel DeWitt Proctor Conference, and Rev. Harry T. Cook.

According to the brief, Rev. Pinkney's article is "a textbook example of one important rhetorical and theological tradition within both Christianity and Judaism... Quoting scripture is core religious speech; the Framers of the First Amendment could not have imagined that it would ever be a criminal offense to quote scripture."

* The professors' brief represents the views of 18 law professors at the University of Michigan 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. The brief explains that under well-established constitutional law, Rev. Pinkney's newspaper editorial could not be the basis for punishment in a court of law. "In this country, under this Constitution, and on this Court's watch," they explained, "he must not be imprisoned for speaking his conscience."

* The Thomas Jefferson Center for the Protection of Free Expression argued in its brief that Rev. Pinkney's editorial was not a "true threat" under well-established First Amendment law. According to the Center's brief, "In finding that Rev. Pinkney's newspaper editorial violated his conditions of probation, the lower court punished speech at the core of First Amendment protection: public criticism of the judiciary." The Thomas Jefferson Center for the Protection of Free Expression is a nonprofit, nonpartisan institution dedicated solely to the protection of the First Amendment rights of free speech and free press.

Rev. Pinkney is an associate pastor at the Hopewell Baptist Church and is the founder of the Black Autonomy Network Community Organization (BANCO). He has long been an outspoken community activist and advocate, frequently denouncing injustice and racial inequality in Benton Harbor, its local

government, and the Berrien County criminal justice system in particular.

In 2007, Rev. Pinkney was sentenced to probation for violating Michigan election law. However, his probation was revoked and he was resentenced to 3-10 years in prison solely because of an article he wrote for a small Chicago newspaper. Quoting a passage from the Bible, Rev. Pinkney predicted that God would punish the judge unless he "hearken[ed] unto the voice of the Lord thy God to observe [and] to do all that is right." Rev. Pinkney also expressed his opinion in the article that the judge was racist, dumb, and corrupt.

In representing Rev. Pinkney on appeal, the ACLU of Michigan argued that the statements Rev. Pinkney made in his newspaper editorial, while offensive to many, are clearly protected speech under the First Amendment. On December 18, 2008, the Court of Appeals granted Rev. Pinkney's motion for bail and ordered him released upon posting bond in amount to be set by the Berrien County Circuit Court. Rev. Pinkney was released from prison on December 24, 2008. However, the Berrien County Court set restrictions on his bond that include 24-hour house arrest, prohibitions on giving speeches including in his own church, and bans against any "demeaning" behavior. Although the ACLU asked the appeals court to remove the harsh and unconstitutional bond conditions, the motion was denied and Rev. Pinkney remains confined in his home pending his appeal.

In addition to Michael J. Steinberg, Rev. Pinkney is represented by ACLU Cooperating Attorneys James J. Walsh and Rebecca O'Reilly of the respected corporate law firm Bodman LLP.