



Benton Harbor, MI



Fighting the corporate dictatorship in America's Rust Belt



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An economic system that doesn't feed, clothe and house its people must be and will be overturned and replaced with a system that meets the needs of the people. To that end, this paper is a tribune of those struggling to create such a new economic system. It is a vehicle to bring the movement together, to create a vision of a better world and a strategy to achieve it.

Labor-replacing electronic technology is permanently eliminating jobs and destroying the foundation of the capitalist system. The people's needs can only be met by building a cooperative society where the socially necessary means of production are owned by society, not by the corporations.

We welcome articles and artwork from those who are engaged in the struggle to build a new society that is of, by and for the people. We rely on readers and contributors to fund and distribute this paper.

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Benton Harbor: A harbinger of America's future

Editor's note: *This is a revised version of a pamphlet originally published in 2009. It includes updates that make it current as of June 2018. See page 10 for a timeline of relevant events.*

How could a minister in America be arrested and imprisoned for quoting the Bible? It may seem strange, but this very thing happened in Benton Harbor, Michigan.

As the economic crisis continues to grip America and threatens to get deeper, people in working class communities across the country are beginning to stand up and demand that the government serve the people's interests—not those of the corporations. And as they have stood up, the people have come under fire from the corporations and the government. This is especially true in America's former industrial heartland, the "Rust Belt."

The struggle that has taken place in recent years in Benton Harbor is a case in point, and one that holds a number of lessons for the American people. The fight in Benton Harbor is a war over whether Americans will have prosperity and democracy, or live in poverty under the heel of open corporate rule.



Demonstrators march through the streets of Benton Harbor to protest the emergency manager take over.

Benton Harbor and its sister community across the river, St. Joseph, are in Berrien County, on the southwestern shore of Lake Michigan. Historically, the Whirlpool Corporation, a global appliance manufacturer, has been the largest single employer—and the main political influence—in the county. The factory jobs it provided gave the workers of the now predominantly Black Benton Harbor and predominantly white St. Joseph stability and a good standard of living. Then in the late 1990s, in a pattern typical of the “Rust Belt,” the jobs began to disappear, partly because of globalization and partly because advanced technology replaced manufacturing labor with robots and computers. What had once been a relatively prosperous working class in Benton Harbor became plagued with unemployment and poverty as Whirlpool and other corporations began transitioning the area from an industrial to a tourist, real estate and service-based economy. This process has prompted resistance from the people of Benton Harbor, and that resistance prompted a political attack on the people by Whirlpool and its local political machine.

As the bulk of the manufacturing jobs were either replaced by robots or sent elsewhere, Whirlpool set its sights on turning the Benton Harbor-St. Joseph area into a lakeside resort for the wealthy. The former CEO of Whirlpool advocated in 2003-4 for developing a \$500 million marina/residential/golf course complex that would take 465 acres of Benton Harbor. It would privatize the City’s only beach and pay the City less than \$1 million for the property. Rev. Edward Pinkney, a Black community activist in Benton Harbor, and many others, opposed the plan because it would do nothing for the poor and would deprive the city of some of its greatest assets. Benton Harbor City Commissioner Glen Yarbrough was the key local politician supporting the plan.

As the largest local employer, Whirlpool has historically been the single biggest influence on local government in Berrien County. In 2004, Pinkney and the organization Black Autonomy Network Community Organization (BANCO) circulated petitions to recall Commissioner Yarbrough (who is Black) because Yarbrough was representing only Whirlpool’s interests, not the community’s. Pinkney and the BANCO network rallied the community to get out the absentee vote, winning the recall election by 54 votes. Whirlpool’s local political forces—Yarbrough, the local police and sheriff’s departments, and the Berrien County judiciary—then went into action to overturn the recall election, to isolate and crush Pinkney, and to contain the people of Benton Harbor.

“Vote fraud” was used as an excuse by the county prosecutor to sue the city to overturn the recall election. Then Pinkney was framed—he was arrested and indicted on trumped-up “vote fraud” charges, and in March 2007 he was convicted by an all-white jury. There was ample evidence to show that Pinkney was framed, but the judge refused to allow it to be admitted during the trial. The city clerk, who allied herself with Pinkney, was forced out of office.



Rev. Edward Pinkney and supporters gather outside the Michigan Supreme Court chambers. In a huge victory for the people, in May, 2018 the Court overturned his conviction. Pinkney unjustly served 30 months in prison.

Pinkney was given one year’s probation (house arrest) for the “vote fraud” conviction. Then, he published an article in the *People’s Tribune* quoting the Biblical admonition from Deuteronomy that God will punish those who act unjustly against others. The trial judge declared that this amounted to a personal threat against him, and he found Pinkney guilty of violating his probation and jailed him. In early 2008, another judge sentenced Pinkney to 3 to 10 years in prison—double the recommendation of the probation department and prosecutor—for quoting the Bible in the newspaper article.

Across Michigan and the country, thousands of people and many institutions rallied to Pinkney’s defense, including community, labor, religious and other activists, attorneys, and the *People’s Tribune*, other newspapers and other media. As a result of this fight, a Michigan appellate court ordered Pinkney released to house arrest pending a review of his case, and the court eventually overturned the lower court decision. Pinkney had spent nearly a year in prison.

The struggle escalates

In 2009, residents who wanted to challenge corporate control of Benton Harbor became the majority on the City Commission. As the city's economy continued to deteriorate with the global economic crisis and corporate neglect, its financial situation worsened. Then-Gov. Jennifer Granholm appointed an emergency financial manager (EFM) under Public Act 72 to assume control over Benton Harbor's finances. (This EFM was one of a number appointed across Michigan in the 2000s.) The EFMs had limited power. In early 2011, the Legislature passed Public Act 4, which turned the EFMs into "emergency managers" (EMs) with broad powers to overrule elected officials and take dictatorial control of cities and school districts. Benton Harbor was one of the first cities to have an EM. (When the people of Michigan overturned Public Act 4 by referendum in 2012, the Legislature thumbed its nose at the people and promptly passed a new version of the law, Public Act 436, which is not subject to referendum.)

The emergency manager law allows the EMs to take over cities and school districts and replace local officials, sell public assets, privatize public services, dismantle collective bargaining agreements, and more. They are



Protest against Whirlpool, the dictatorial Emergency Manager system and the PGA (Professional Golfers Association) in Benton Harbor.



With their local democracy stripped away by the emergency manager, the people of Benton Harbor take to the streets in protest.

dictators in the service of the corporations. Between 2010 and early 2014, Benton Harbor had two different EMs, and they stripped the elected city officials of their power, cut city spending and continued giving away public land to Whirlpool.

In 2011, James Hightower, a puppet of Whirlpool, was elected mayor. When Benton Harbor residents proposed that the city enact by referendum a 1 percent income tax aimed at Whirlpool to help solve the city's financial crisis, Whirlpool and Hightower worked to defeat the measure through a massive misinformation campaign. In 2013, Pinkney and others launched an effort to recall Hightower. They gathered

the required number of signatures to force a recall election and turned them in to the county clerk, who verified them.

The recall election was scheduled to be held May 6, 2014 but, at the mayor's request, the Berrien County Sheriff's Department began investigating the petition campaign, intimidating residents who signed petitions. In April 2014, prosecutors decided to charge Pinkney with "vote fraud" (five felonies), and soon after, a judge cancelled the recall election. In an alarming display of force, a SWAT team was sent to Pinkney's home to look for him. At a preliminary hearing May 23, 2014, no direct or indirect evidence against Pinkney was presented, and prosecutors say they need only circumstantial evidence to convict him.

In June 2014, the judge ruled that the trial could go forward. The trial began Oct. 27, 2014, and the jury returned a guilty verdict on Nov. 3, 2014. The Berrien County court that convicted Rev. Pinkney showed how far they were willing to go by playing the race card. During jury selection they aggressively expelled all African Americans, leaving the trial to be decided by an all-white jury. No one on that jury was from Benton Harbor or had

lived under emergency financial management. It is next to impossible for a Black man from the poorest town in Berrien County to get a fair trial from an all-white jury from the richest towns in the county. This issue was central to the case and calls into question the definition of a trial by one's peers and the meaning of due process.

During the trial, the prosecution admitted there was no physical evidence linking Rev. Pinkney to the crime they were charging him with. And yet the prosecution repeatedly introduced examples of Rev. Pinkney exercising his First Amendment right to free speech, his political activities and his community activism as evidence he committed the crime.

On Dec. 15, 2014, Rev. Pinkney was sentenced to 30 to 120 months in prison, and surrendered to authorities that day. He appealed his conviction in 2015, and on July 26, 2016, the Court of Appeals of Michigan affirmed his conviction. Rev. Pinkney was released on a 12-month parole in June 2017 after serving 2½ difficult years in prison. At times he felt his life was in danger by prison administrators and guards.

In a tremendous victory for the people in the fight against naked corporate power, Pinkney was exonerated. In November, 2017, the Michigan Supreme Court heard Pinkney's appeal and on May 1, 2018, the court overturned his conviction. The Michigan Supreme Court ruled 6-0 that Rev. Pinkney was improperly charged with five felony counts of election forgery in 2014 by the Berrien County prosecutor, that he was improperly tried and sentenced by the Berrien County Circuit Court, and improperly served 30 months in prison as a result.

In overturning Pinkney's conviction, the Michigan Supreme Court ruled that the statute he was sentenced for supposedly violating did not create any substantive criminal offense at all, but was merely a sentencing provision for other election forgery offenses which Rev. Pinkney was not charged with. The state Supreme Court ruling marked a rebuke of the Michigan Court of Appeals, which had ruled against Pinkney.

We congratulate Rev. Pinkney, the people of Benton Harbor and his supporters across the country on this victory. A major battle against corporate dictatorship and for democracy has been won! This victory could not have happened without people all over the country rallying in defense of Rev. Pinkney, the people of Benton Harbor and the fight for democracy.

But the war is not over. Benton Harbor is still poverty-stricken and under the thumb of the giant corporations, as is much of America. We must stand on this victory to carry the fight forward for a democratic America. Until the people, not corporations, rule society, we can't have true democracy. And we can't rule if we are living in the streets or working two or three jobs just to survive. Benton Harbor showed that the corporations, their government and police forces control everything—whether we eat, live or die, whether we are housed or whether we get justice in the courts. The only way we're going to achieve true democracy is if we build a huge movement to take power away from the corporations.

The attack on democracy in Benton Harbor shows that the corporate power structure is determined to crush anyone who stands in its way. It is part of a process under way across America in various forms. After the once-stable working class community of Benton Harbor was devastated by automation and globalization and the community began resisting, the race card was played to impose the open rule of corporate power as a way of containing the entire area. This tactic has been repeated across Michigan, with Black-majority cities being singled out and painted by the media as incompetent to run their own affairs, and then emergency managers imposed on them. The Black cities are the starting point, but the real target is the whole working class and the whole of our society.

Benton Harbor and Michigan, with their growing poverty, and non-elected emergency managers that turn the assets of a city over to the banks and corporations while establishing martial law, are emerging as the center of the fascist assault sweeping the nation. It is a harbinger of the future of



Occupy the PGA, Save the Children demonstration in Benton Harbor, MI on May 26, 2018, on the day of the annual PGA tournament.

America if people do not act. In fact, communities are responding to similar attacks around the country, whether the poisoning of drinking water and effort of corporations to take over the water, the wave of police killings, the attacks on the homeless and the immigrants, or the economic assault on workers' standard of life.

We have to go on the offensive across Michigan and across our country to begin the process of taking over the corporations so they can be run in the interests of the people. Either we take over the corporations, making the means of life public property, or we continue living under a corporate dictatorship that will only get worse. We have the power to shape our future. We can have a cooperative society where the needs and aspirations of humanity for a decent life are achieved.

The defense of our leaders is critical to building such a movement. People fought for Rev. Pinkney's freedom because of the injustices; because of his warnings of the dangers of Michigan's emergency manager dictatorship; and because he exhibited the characteristics of a new kind of leader—one who cannot be bought off or side tracked from a consistent fight for the needs of the people. When leaders like Rev. Pinkney come under attack, we must always defend them—or else we can't win.

The *People's Tribune* has been in this fight from the beginning. We urge you to take this paper out and help awaken America before it is too late.

We stand on the side of those who are in struggle for a new society. We opened our pages to Rev. Pinkney and the people of Benton Harbor because their fight against the corporate dictatorship crystalizes the fight going on all over America. Let this be our message to the ruling class: We will defend our leaders! We will build a new society free of oppression, violence and poverty, and no power on earth can prevent this.

Let's make this struggle in Benton Harbor a victory for all who are victims of the economic crisis in every city and town in America.

Let's confront the corporations that are destroying this country!

Let's take control of this country away from the corporations and build a society where the people, not the corporations, make the decisions!

The *People's Tribune* is your weapon in this fight: Use it!

Get involved! Contact us today.

BENTON HARBOR TIMELINE OF EVENTS

2003

- Terrance “T Shirt” Shurn is murdered by police. Police violently breakup peaceful vigil, creating an uprising. Army is brought in to patrol streets.
- Michigan Gov. Jennifer Granholm forms a task force she says will help Benton Harbor. This is the beginning of the take over of the city by the corporations.

2004

- Led by Whirlpool-backed Commissioner Glenn Yarbrough, beachfront city property is given away for proposed Jack Nicklaus Signature Golf Course.

2005

- Recall election gets enough votes to remove Yarbrough, but the judge sets aside election.

2007

- To keep Yarbrough’s seat, Pinkney is arrested and falsely charged with voter fraud. Trial ends in hung jury. New trial with all white jury convicts Pinkney. He is placed on probation.

2008-10

- Pinkney sent to prison for probation violation for quoting the Bible. Michigan Supreme Court orders Pinkney’s release. He spends nearly a year in incarceration.
- Gov. Granholm brings in unelected Emergency Financial Manager under Public Act 72 to run Benton Harbor.
- Residents take control of city commission away from Whirlpool.
- Young Black men in Benton Harbor are increasingly found dead

under questionable circumstances, and this continues. Police say “no foul play.”

2011

- Corporate puppet James Hightower becomes mayor.
- Public Act 4 changes Emergency Financial Managers to Emergency Managers and gives them absolute power over all aspects of city government.
- The Emergency Manager continues giving away public land to Whirlpool and Cornerstone Alliance.

2012

- New Emergency Manager appointed. He continues the giving away of public land to Whirlpool.
- Michigan citizens vote to repeal PA4, the Emergency Manager Law. Governor signs into law another Emergency Manager Law, PA 436. It is almost identical to the original law.

2013

- Benton Harbor residents propose a 1% income tax aimed at Whirlpool. Whirlpool and their puppet mayor defeat the measure through a massive misinformation campaign.
- Recall of Mayor James Hightower begins.
- Petitions are turned in with the required number of signatures.
- Sheriff’s Department investigates petition at request of the mayor, intimidating residents who signed it.

2014

- SWAT teams surround Pinkney’s home.
- Rev. Pinkney is charged with “vote fraud” (five felonies). No direct or indirect evidence is presented at his preliminary hearing. Prosecutors say Michigan law allows for conviction on circumstantial evidence.

- Pinkney is placed under house arrest and prohibited from using the Internet. He is later released from these restrictions.
- Pinkney’s trial begins on n Oct. 27, 2014. On Nov. 3, the jury finds him guilty of five felonies.
- Pinkney is sentenced on Dec. 15, 2014, to 30 to 120 months in prison.

2015

- Pinkney appeals his conviction in 2015.

2016

- On July 26, 2016, the Court of Appeals of Michigan rules against Pinkney, affirming his conviction.
- On February 27, 2016, Martell Hadley, age 24, was found hung in his jail cell in the Berrien County jail on February 27, 2016. On October 18, 2016, Darius Wimberly, age 28, better known as “Karate,” was killed by the Benton Harbor Police.

2017

- Pinkney is released on a 12-month parole in June 2017 after serving 2½ years in prison.
- Pinkney appeals his conviction to the Michigan Supreme Court, and the court hears the appeal Nov. 7, 2017.

2018

- On May 1, 2018, the Michigan Supreme Court overturns Pinkney’s conviction.

Please donate to the defense which is in urgent need of funds. Send donations to BANCO, 1946 Union Street, Benton Harbor, MI 49022 or donate at bhbanco.org.



“The *People’s Tribune* plays a tremendous role. They were in it from the beginning. We met in 2002, and from then on, we use the newspaper for our cause. It allows us to grow; it allows people all over the country to know exactly what we are doing and lets us know what other people are doing. The *People’s Tribune* was there on every court day, telling the story, spreading the news, letting people know what

is happening in Benton Harbor. You don’t hear about these things because you don’t have a news outlet. I don’t believe we would have achieved as much without the *People’s Tribune*. I have to applaud them. They go beyond the call of duty. Most newspapers favor the corporations, but the *People’s Tribune* is for the people.”

– Rev. Edward Pinkney

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Find out about the dismantling of democracy, the story of Rev. Edward Pinkney, Benton Harbor, and Michigan.

Truth be told, the charges leveled against Reverend Edward Pinkney in Benton Harbor, MI are but the latest saga in a ruthless pursuit of naked corporate rule that is gripping the state of Michigan. In 2011, current Governor Rick Snyder signed into law legislation that codified the fascist offensive already in motion. The law, a.k.a., Emergency Manager law, dispatches unelected 'managers' to designated cities and school districts who issue 'edicts' that fast track the sale of precious public assets to bondholders, banks or other corporate interests, privatize public services, dismantle collective bargaining agreements, and more. They are empowered to even dissolve municipalities and school districts, all the while replacing local elected officials altogether.

Benton Harbor, home of corporate giant Whirlpool, is a poster child of the Rust Belt's post-industrial destruction of the manufacturing life we once knew. Benton Harbor is 90% African American and 42.6% of the population lives in poverty. With its rich Lake Michigan beachfront property park, (which has now been stolen from the people), Benton Harbor experienced the wrath of Emergency Managers. More than 17 municipalities and school districts, including Detroit, Flint and Pontiac have been pulled into the mire of dictatorship.

Reverend Pinkney has become the face of resistance to the notion that the working class has no rights that the corporation is bound to respect. In a tremendous victory for the people against corporate power, Pinkney was exonerated by the Michigan Supreme Court. This victory is a step toward overturning the spread of corporate dictatorship to the rest of Michigan and the nation.

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