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Pastor Gets Jail For Approaching Patients At Abortion Clinic

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OAKLAND, Calif. -- A pastor who heads a foundation aimed at curtailing abortions by black women was sentenced Thursday to 30 days in jail and fined \$1,130 for two misdemeanor counts of violating an Oakland ordinance that prohibits harassing patients at abortion clinics.

At the end of an emotional and intense hearing guarded by six bailiffs and packed by pro-life activists on one side of the courtroom and pro-choice activists on the other side, Alameda County Superior Court Judge Stuart Hing said Walter Hoyer II is "a very decent person" who has many supporters.

But Hing said Hoyer, who founded and chairs the Issues4Life Foundation in Union City and is the executive elder for the Progressive Missionary Baptist Church in Oakland must obey the law and must face the consequences of his actions.

Hoyer could have been sentenced to two years in the county jail and fined \$4,000 for his convictions for violating Oakland's so-called "bubble ordinance," which creates a barrier of protection for women entering any reproductive health care facility in Oakland.

Instead, Hing fined Hoyer \$1,130 and sentenced him to three years' probation, including 30 days in the county jail.

The judge said Hoyer can serve the 30 days in an alternative program, such as a work program supervised by the sheriff's department, or by volunteering in a program approved by the court.

Hoyer sat silently with his two attorneys after he was sentenced but many of his supporters reacted emotionally.

Some supporters sang the civil rights anthem, "We Shall Overcome" in the courtroom and Pastor Dion Evans of the Chosen Vessels Christian Church in Alameda shouted at Hing, "This is completely unjust!"

When three deputies tried to restrain Evans after he continued shouting at the judge, Evans yelled at them, "Don't touch me!" and "I'm not going anywhere!"

Evans aggressively pushed the deputies away and they allowed him to walk out of the courtroom without being arrested.

A jury that deliberated for four days convicted Hoyer on Jan. 15 of violating Oakland's ordinance by approaching patients at a clinic in downtown Oakland on May 13.

The ordinance, which took effect early in 2008, is aimed at protecting clients, clinic personnel and escorts at abortion clinics, which are also described as reproductive health facilities because some clients choose not to get abortions and use the facilities for counseling and pre-natal care.

Within 100 feet of the entrance to such facilities, it is prohibited to approach within eight feet of a client "for the purpose of counseling, harassing or interfering" with that person.

Barbara Hoke of Clinic Escorts of the SF East Bay alleged before the sentencing hearing today that Hoyer "deliberately and flagrantly violated" the ordinance every Tuesday morning by approaching patients without their permission and trying to give them pamphlets.

Hoke said that with Hoyer's conviction, "Oakland and Alameda County said to the world, 'We will protect women in our community who seek reproductive health services and the providers who serve them.'"

Before he was sentenced, Hoyer told Hing, "The law I've been convicted of violating is an unjust law."

After conferring with his attorneys, Hoyer also said he refuses to obey an order that he stay at least 100 yards away from the abortion clinic, a condition the judge imposed as a term of Hoyer's probation.

However, Hing said the condition "will be imposed anyway."

The judge didn't make clear what will happen to Hoyer if he resumes his activities at the clinic.

After the hearing, Dana Cody of the Life Legal Foundation, part of the legal team representing Hoyer, said she believes the stay-away order is an improperly "onerous" condition of probation that is grounds for appeal by itself.

She said Hing will reconsider the condition at another hearing on March 20.

In the meantime, Hoyer isn't making any promises not to return to the clinic, Cody said.

Cody said the Life Legal Foundation also is challenging the constitutionality of the ordinance in federal court.

She said she hopes the ordinance will be invalidated and Hoyer will be vindicated.

Several pastors from around the country came to the hearing to speak on Hoyer's behalf.

Among them were Pastor Stephen Brody of the Fair Park Bible Fellowship in Dallas and Dr. Levon Yuille of Ypsilanti, Mich., who is the president of the National Black Pro-Life Congress.

Oakland City Councilwoman Nancy Nadel, who helped draft the ordinance, attended Thursday's hearing but left before it ended.

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