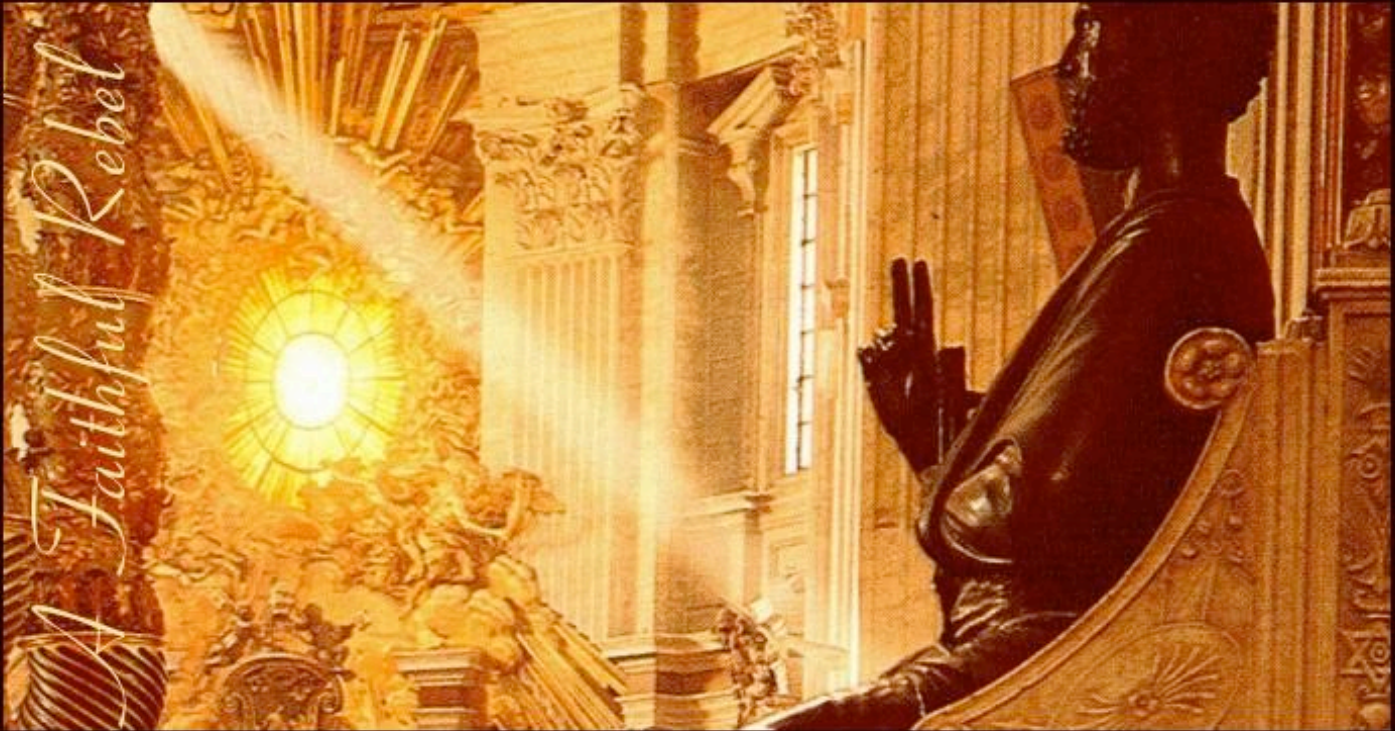


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Wednesday, March 25, 2009

No Constitutional Rights for Pro-Lifers: Oakland Pastor Jailed for Peacefully Protesting Abortion - Video Proof Shows Accusers Lied



Pictured: *Walter Hoye holds a sign reading "God loves you and your baby. Let us help you". For this offer to help young women out of the horrible "choice" of abortion, Mr. Hoye is now serving an unjust jail sentence.*

A tip of the hat is due to Catholics for the Common Good for their excellent coverage of the outrageous actions being taken against an Oakland pastor for his peaceful sidewalk abortion counseling.

Mr. Walter Hoye, respect life activist, and Executive Elder at the Progressive Baptist Church in Berkeley, was arrested in May of 2008 while holding a sign outside of an abortion clinic that read: "Jesus [God] loves you and your baby. Let us help you."

Catholics for the Common Good provides excellent coverage of this illegal persecution of this good man. Here is a [description of what happened](#):

Walter was arrested in May 13, 2008, under Oakland's new "bubble law". It states that pro-life demonstrators or sidewalk counselors must not move closer than 8 feet from any individual within a 100 foot radius of an abortion clinic.

Walter Hoye is supported by Catholics for the Common Good (CCG) Pro-life

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activist

Walter was unjustly convicted – he did not break any law. Clinic workers and escorts, bothered by his presence, approached him, crowded him, and held up cardboard placards to block his sign. They made false accusations against him and had him arrested. Because of the new “bubble” law, Walter had the foresight to have his presence video-taped just in case there was an incident.

At the trial in January, clinic workers misrepresented the facts on the witness stand – testifying that Walter was aggressive and threatening, and that two unidentified clients had complained about him. There was no supporting evidence provided and the video tape proved their testimony false. Inexplicably, the jury found him guilty of moving closer than 8 feet to the two unidentified, unseen clients. The case is being appealed. Life Legal Defense Foundation is representing Walter.

After the trial, the judge told Walter that he was considering remanding him into jail pending sentencing for this misdemeanor. How could anyone treat such a kind, gentle, and loving person, as I know Walter to be, like a common criminal? The behavior of the judge has us concerned that he will give him the maximum sentence.

And here is the [latest update from CCG](#), which sadly reports that Walter Hoye has been actually jailed! This is a travesty of justice, and the judge ought to be punished for his abuse of power.

**Judge Exceeded Authority
Walter and Lori Hoye Courageous Witnesses for Life**

This afternoon, Friday, March 20, appearing slight and gaunt from his 40-Days-for-Life fasting, Rev. Walter Hoye was calmly led from the Alameda County courtroom to begin a thirty day jail sentence. The judge denied the defense's motion to stay the sentence pending appeal and remanded Walter into custody. Even people convicted of serious felonies facing long prison sentences are routinely granted bail or released on their own recognizance pending appeal. This case involved a simple misdemeanor -- an unjust conviction with no victim or evidence.



Rev. Hoye's crime was standing outside of an abortion clinic with the sign reading "Jesus [God] loves you and your baby. Let us help you." [See the background details on the case.](#)

Last month, the judge initially gave Walter three years probation with the condition that he stay more than 100 yards from the abortion clinic where he was arrested. When he told the judge that he would not be willing to forfeit his first amendment rights, Judge Hing added a 30 day jail sentence with the option for alternative community service, and a \$1,130 fine. The judge was stymied when both the prosecution and defense lawyers told him he could not impose a condition of probation unless Hoye accepted it. The sentencing was continued until today.

What happened today, stunned everyone in the courtroom. Even though both the prosecution and defense agreed that Judge Hing could not impose a condition of

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Roman Catholic	112 (90%)
Orthodox	3 (2%)
Anglican/Episcopal	5 (4%)
Mainstream protestant	1 (0%)
Other/Atheist	3 (2%)

Votes so far: 124
Poll closed



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Should Those Who Oppose Church Teaching Be Allowed to Speak at Catholic Churches or Church Property?

Absolutely Not	43 (82%)
Absolutely Yes	6 (11%)
Only in Certain Cases	3 (5%)
Do not Know/Other	0 (0%)

Votes so far: 52
Poll closed

probation on Walter without his consent, he insisted on giving him the same sentence anyway. He said the jail time, the fine, and the conditions of probation are all in effect -- immediately -- something that will surely be overturned on appeal (but unfortunately after Walter has already served his time in jail). This is an outrage.

The District Attorney tried to support the stay-away order with outlandish reasoning that compared it those issued in domestic violence cases to protect victims. Allison Aranda with Life Legal Defense Foundation responded that there was no victim in this case and the judge was asking Walter to stay away from public streets and sidewalks, forfeiting his first amendment rights. In addition, his lawyers made the point that judge did not have authority to impose restrictions on him that are more stringent than those contained in the anti-sidewalk-counseling ordinance under which he was charged.

Before the sentencing, a crowd of about 80 supporters prayed over Walter and his wife, Lori, in the hallway outside of the courtroom. We also prayed lovingly for the abortion clinic owners, staff, and supporters who jeered and mocked as we prayed.

The way Walter has been treated by the DA and the Judge is starting to awaken the African-American clergy in Oakland to the targeting of Black babies for abortion. Additional African-American pro-life leadership is starting to emerge.

It is important to spread the word about this injustice across the nation by forwarding this email. A broad coalition of organizations will soon have "Free Walter Hoye" tee shirts available help publicize this injustice. There will be more information available on next steps over the next few days. Stay tuned.

We continue to pray for the intercession of Our Lady of Guadalupe for Walter and his family.

For the Common Good,

Bill May, Chairman
 Catholics for the Common Good
 (415) 651-4171
<http://ccgaction.org>

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Should Cardinal Mahoney Resign Because of the Sex Abuse Scandal in Los Angeles Archdiocese?

Yes	12 (92%)
No	1 (7%)
Maybe	0 (0%)

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