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Union City pastor, anti-abortion leader released from jail

By John Simerman
Contra Costa Times

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OAKLAND — After 18 days in jail for violating a city law designed to protect women entering abortion clinics, a Berkeley church elder went free Tuesday with a wider, louder network of anti-abortion supporters than before he went to trial.

The sidewalk near Jack London Square that Walter Hoyer patrolled weekly — accompanied by two elderly church women — drew a crowd of a few dozen protesters Tuesday morning for another in a series of vigils aimed at painting the law as an attack on free speech. Now, as Hoyer pushes to reverse a judge's order to stay away from the clinic, his backers said the city's year-old "bubble law" — which bans approaching within 8 feet of a potential client trying to enter a clinic — has backfired.

"They would have been in a better position if they would have left him alone. They picked on one man on one street, one day a week trying to reach one woman at a time with one sign for one hour," said Dion Evans, pastor of Alameda's Chosen Vessels Christian Church. "Now a mobilization has come together because they've created an unjust law. People like myself who have been cheerleading are not on the sidelines anymore. We're now in the game."

The protesters chanted — "Have mercy on us and our whole world" — under a cool drizzle across Webster Street from the Family Planning Specialists Medical Group clinic. Some, echoing Hoyer's attack on abortion as a scourge in black communities, held

signs reading, "Black genocide in this building" and "Stop Our Holocaust."

They fell silent as a couple left the clinic and paced quickly to their car under black hoodies. Another woman, also wearing a sweatshirt hood, raised her middle finger high, waggled and spun it above her head as she walked inside.

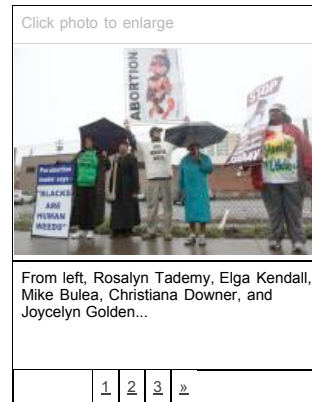
Hoyer, executive elder of the Progressive Missionary Baptist Church in south Berkeley, also heads the anti-abortion Issues4Life Foundation. Since his jailing March 20, dozens have gathered for Sunday vigils outside the jail, for a march Saturday from City Hall to the clinic, and for the clinic vigils Tuesday mornings — when Hoyer would show up weekly.

The recurring protests are "definitely a concern for the safety of the patients and the employees," said the

clinic's executive director, Jackie Barbic.

"Certainly if they are peaceful protesters they have that right," she said. "Historically, some ... protesters have escalated their violence. There's always that concern."

A jury convicted Hoyer, 52, of Union City, on two misdemeanor counts of violating the new law in May. Alameda County Superior Court Judge Stuart Hing sentenced him in February to three years probation, ordered him to stay at least 100 yards from the clinic during that time, and gave him the option of volunteer work or the jail's work-release program instead of jail time.



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But Hoye balked at the probation terms and asked the judge to give him "straight time." Instead, Hing handed him a 30-day jail sentence and the probation. Hoye's lawyers have appealed the sentence, and in a legal brief, the prosecutor wrote that Hoye had the right to accept a jail sentence and reject probation if he found it too severe.

Hoye could not be reached immediately after his afternoon release from Santa Rita Jail in Dublin, and whether he plans to return to the clinic was unknown.

In jail, he ran bible study groups, counseled other inmates and "led six men to Christ," said his wife, Lori. He also received a visitor Saturday: Salvatore Joseph Cordileone, the Diocese of Oakland's bishop-designate.

"He visited Walter Hoye because he respects Hoye's affirmation of the value of human life," said Diocese spokesman Mike Brown, who declined to say whether Cordileone approved of Hoye's tactics.

In his weekly visits to the clinic, Hoye held a sign reading, "Jesus loves you and your baby. Let us help." Supporters call him a mild-mannered, peace-preaching pastor who only sought patients' consent to speak with them. Usually, trained escorts would attempt to block him, said one of his lawyers, Michael Millen, who likened it to a basketball game. He said Hoye chose that particular clinic only because it's near a regular meeting he attended.

"He says, hey, I got an hour and a half, maybe some women who are ready to abort their babies, maybe I could give some hope to a few of them," Millen said. "This is not some kind of massive crusade. This is a minor point of his anti-abortion activity."

Barbic, however, said her patients felt harassed and intimidated by Hoye.

"These patients are attempting to come into the office and see their doctor for a legal medical procedure. Mr. Hoye was going up to the cars. He was following them right up to the entrance, thrusting brochures, harassing them," Barbic said. "The patients saw it that way. They asked us, 'Can't something be done? Is this legal?'"

Nancy Nadel, the Oakland council member who helped craft the ordinance, called it a success so far, despite the ripple from Hoye's conviction.

"Even though there are more people out there and they're noisy and annoying, they are not approaching the clients, which is what we're trying to prevent," she said. "They can't actually come up right to the person trying to seek health care, shoving up against their physical person, telling them they're a terrible person and going to hell."

Reach John Simerman at 925-943-8072 or jsimerman@bayareanewsgroup.com.

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