

# Straight time

**ABORTION:** A pro-life Oakland pastor chooses jail over a plea bargain—and leads prisoners to Christ | *Lynn Vincent*

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For 19 days in March and April, Walter Hoye was locked in a cell with 29 other prisoners at the Santa Rita jail near Oakland, Calif. There were times when he wished he could have stayed longer.

When the metal door first clanged shut behind him on March 20, Hoye, 52, decided the space was really more of a cage than a cell. A metal grid penning in prisoners. Fifteen bunks lining two walls. Two toilets and a urinal for all 30 men, and a shower that inmates had gradually transformed into a pornographic shrine.

As Hoye made his way to an empty bunk, a few prisoners, mostly black and Latino, dogged his path. "You smuggle in any drugs, man?" one of them asked.

"No," Hoye said quietly.

Then the veteran inmates left him alone, he told me, except for "one of the brothers who was kind enough to help me make up my bed."

A few minutes later, another man walked over to Hoye's bunk and jabbed his finger at a newspaper he was holding. "This you?" he said, eyeing Hoye skeptically.

Hoye peered at the *Oakland Tribune* headline: "Anti-abortion pastor chooses jail."

"Yeah, that's me," he said.

In the next moment, the inmate was striding up and down the length of the cell, announcing, "Hey, he don't have to be here! He turned down probation! He doing straight time for what he believed in!"

It was true: On Feb. 19, Alameda County Superior Court Judge Stuart Hing sentenced Walter Hoye, a Missionary Baptist minister, to 30 days in jail after Hoye refused a plea deal that included three years' probation, a small fine, and an order that he stay at least 100 yards away from Family Planning Specialists, an Oakland abortion clinic.

Passionate about the sky-high abortion rate among African-Americans, Hoye began offering men and women assistance at the clinic in 2006. About one in three Oakland residents is black, compared with a statewide African-American population of 6 percent. And though blacks make up only 12 percent of the U.S. population, they account for one-third of all abortions performed in the United States. More than three in 10 black women abort their unborn children.

According to the 2006 census, deaths now exceed live births among African-Americans. "We're no longer replacing ourselves," Hoye said. "So we're not using terms like holocaust and genocide just to elicit a response. It's the truth."

In response, once a week Hoye stood quietly outside Family Planning Specialists with a sign that said, "Jesus loves you and your baby. Let us help." When people approached the clinic, Hoye would ask their permission to speak with them about abortion alternatives; he also offered them pamphlets describing available help.

In 2007, pro-abortion clinic "escorts" began to show up in groups, surrounding Hoyer and impeding his movement. They blocked his sign with sheets of blank cardboard and shouted down his low-key offers of help. When that didn't scare Hoyer off, clinic managers lobbied the Oakland city council and in December 2007, the council instituted a "bubble-zone" ordinance applicable within a 100-foot radius of any Oakland abortion clinic. The law made it a crime to "approach within eight feet of any person seeking to enter" a "reproductive health care facility" in order to offer literature, display a sign, or engage in "oral protest, education, or counseling."

"This law is horribly unconstitutional," Hoyer said. "It allows abortion clinics to decide which U.S. citizens are allowed to retain their constitutional right to free speech."

Represented by Life Legal Defense Fund (LLDF), Hoyer challenged the ordinance in court. The case is still pending, but in May 2008, Oakland public attorneys acting in cooperation with clinic managers charged Hoyer with "unlawful approaches" to women, and "force, threat of force, or physical obstruction."

What prosecutors did not know was that LLDF attorneys possessed four hours of uncut videotape documenting Hoyer's activities outside the clinic on the dates in question. At trial in January 2009, the tapes impeached the testimony of clinic director Jackie Barbic, who claimed that Hoyer repeatedly broke the 8-foot rule and that she and a patient had to put up their hands to fend him off. Instead, the tapes showed Hoyer standing still as Barbic approached him; then they showed Hoyer walking away. No incident shown on the tape matched Barbic's testimony, and even clinic escorts testified that Hoyer was always cordial and never obstructed anyone's path or used threats or force.

Inexplicably, the jury still found Hoyer guilty. At sentencing, the prosecutor recommended the probation and the clinic stay-away order—or two years in jail. When Hoyer refused the stay-away order, Judge Hing appeared "surprised," Hoyer said. "The judge was essentially asking me to stop trying to help men and women outside an abortion clinic, and I just would not voluntarily give up my First Amendment rights."

In February, Hing levied a sentence of 30 days and Hoyer reported to the Santa Rita jail a month later. After the newspaper-reading inmate touted the *Tribune* article to the other prisoners—many of them inner-city drug dealers whose highest aspiration was to stay out of prison, they clamored to know why a man would choose jail over freedom. From that moment on, Hoyer found himself in constant demand.

"I would be holding court with about 30 guys, explaining why I did what I did," he said. "I explained what an abortion actually does, that it takes an innocent human life. We held prayer vigils, we had Bible studies. I must have counseled and mentored guys all day and all night. It got to the point where we started talking seriously about Christ."

Most of the men in the cage at first mouthed pro-choice slogans, Hoyer said. "But when I forced them to complete the sentence, 'I believe that a woman has a right to choose to kill an innocent life,' they couldn't do it."

One morning at about 2:30 a.m., a good-looking young man named Terrell approached Hoyer's bunk and asked what actually goes on during an abortion. Using his fingers to simulate a woman's legs spreading, Hoyer showed Terrell how the abortionist inserts a vacuum aspirator and sucks out the developing child.

Terrell, 18, told Hoyer he had gotten his girlfriend pregnant and that she had aborted. "She made the decision," he said. "It was her choice."

"Yes, I know that, but what did you do?" Hoyer replied. "Did you offer to marry her?"

Terrell shook his head. "No, I didn't."

"Did you offer to help her raise the child?"

"No, I didn't."

"Did you tell her that you love her and that you were going to go the distance with her as a man should, even if she decided to give the child up for adoption?"

"No, no, I didn't," Terrell said, his eyes filling with tears. "I never knew. No one ever told me what an abortion is. No one ever made it plain."

When Terrell understood that he had, "perhaps because of his own lack of participation, been complicit in the murder of his own child, it really broke him," Hoyo said.

Before Terrell went back to his own bunk that night, Hoyo prayed with him. "I told him God could forgive him, that what he'd done wasn't an unforgivable sin."

But the conversation didn't end then. Terrell continued to visit with Hoyo. "He began to understand that men have a responsibility to women, and vowed that, for him, an abortion would never happen again. He came to me a young man in jail for dealing drugs, trying to make some money and live the large life. I began to see him grow up."

Released from jail on April 7, Hoyo rejoined his wife, Lori, in their Oakland home. Today, he is not sorry for his choice. "I've been a jail chaplain in jail before, and even had the privilege of being a guest preacher at San Quentin. Being an inmate is completely different. I was actually one of them and it gave me a different kind of credibility. I'm sure my adversary meant my incarceration for evil, but God used it for good."

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