



Berkeley abortion opponent's actions have prosecutors seeking new injunction

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A Berkeley church elder is out of jail and back outside an Oakland abortion clinic to try to persuade women against what he calls "womb lynching," despite a judge's order to stay 100 yards away.

And so an Alameda County prosecutor went back to court Friday, aiming to convince the same judge to fortify his order with an injunction under a year-old city law designed to protect women seeking abortions.

A jury in January convicted Walter Hoye, 52, of Union City, on two misdemeanor counts under Oakland's "bubble ordinance," which bans being within eight feet of women entering abortion clinics.

Hoye chose 18 days in jail over volunteer work and a probation order to stay away from the Family Planning Specialists Medical Group on Webster Street. But Alameda County Superior Court Judge Stuart Hing issued the order anyway.

Hoye's lawyers and prosecutors agree that the order will likely be overturned on appeal. In the meantime, Hoye said he has returned to the clinic twice since his April 7 release.

Deputy District Attorney Mas Morimoto asked the judge Friday to keep Hoye 100 yards from the clinic

for three years, this time with an injunction authorized for people convicted under the bubble law.

"The people are asking for an injunction that is narrowly tailored to a single individual," he said.

Hoye's lawyer, Michael Millen, accused prosecutors of trying to press a civil action in criminal court, arguing that the judge no longer has jurisdiction in the case.

Hing delayed a ruling until next month but said he believes he has broad authority to issue a stay-away order against Hoye, regardless of whether the probation sticks. In a lengthy monologue, the judge also defended his handling of the case.

"This right to privacy is an undisputed right. I can't change it from where I am," Hing said. "I hope you respect the fact that I'm just trying to follow the law."

Clinic backers say patients felt harassed and intimidated by Hoye, who would show up Tuesday mornings with a sign reading, "Jesus loves you and your baby. Let us help."

Hoye insists he is always polite. He said he sees abortion in the black community as a form of genocide.

"We're at a point here in American history when the system is being manipulated to impose particular viewpoints on another viewpoint," he said.

Hoye also has challenged the Oakland ordinance in federal court, claiming it violates free speech. A hearing in that case is scheduled for next week.

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