

DA SEEKS LIFETIME BAN FOR WALTER HOYE

At a hearing last week before Alameda County Superior Court Judge Stuart Hing, deputy district attorney Masanao Morimoto revealed that the District Attorney is seeking to ban Walter Hoyer from ever returning to the Family Planning Specialists clinic in Oakland, California. Hoyer was arrested last year for violating Oakland's "Mother May I" law. Following his conviction, he was sentenced to 30 days in jail and an fine, plus three years' probation during which time he was ordered to stay 100 yards from the clinic. Hoyer exercised his right to turn down probation, but the judge proceeded to fill out a probation order anyway. Hoyer served his time in jail, and the fine was paid. Both the conviction and the probation order are on appeal.

In the meantime, the District Attorney's office continues its campaign to prohibit Rev. Hoyer from peacefully offering alternatives to abortion-minded women. While the DA's initial motion asked for a three-year stay-away, papers filed last week, confirmed by Morimoto on Monday, state that the DA wants Hoyer to be permanently enjoined from coming within 100 yards of the FPS clinic.

The DA acknowledged that Rev. Hoyer has been at the clinic several times since his conviction and even since his jail time, without breaking the law. The DA told the court that this was irrelevant, however, because "the activities [Hoyer] would like to believe are benign can cause significant psychological distress to an individual seeking assistance with often difficult family planning issues."

"The District Attorney is now arguing the standard pro-abortion line," said Catherine Short of the Life Legal Defense Foundation, which is representing Hoyer. "They are arguing that Rev. Hoyer should be banned from ever going to the clinic because his mere presence could upset some women. They have abandoned any pretense of 'seeking justice,' which is the prosecutor's duty. This is now blatantly ideological."

"The District Attorney's office has spent and is spending an unprecedented amount of time and effort on this," Short said. "Nobody over there is sitting around with time on his hands, wondering what to do today. So the question is: who decided that keeping Rev. Hoyer from offering help to women was more important than prosecuting other cases? And why?"

At the hearing on Monday, Judge Hing decided to bifurcate the matter into two issues. First, the court will decide whether it still has jurisdiction to issue the injunction, given that the criminal matter against Mr. Hoyer concluded several months ago. If it decides that it has retained jurisdiction, the court will then hold an evidentiary hearing on whether the injunction is appropriate. The deputy district attorney indicated that any negative decision of the court would be appealed by his office.

Meanwhile, Mr. Hoyer and his attorneys await a decision from the federal district court, which is deciding the constitutionality of the ordinance as a whole.

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