



Federal Court OKs Law Stopping Pro-Life Pastor Outside Oakland Abortion Center

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Oakland, CA (LifeNews.com) -- A federal court has upheld a law the Oakland city council passed specifically to stop pro-life African-American pastor Walter Hoye from helping women outside a local abortion center. Hoye has been offering women abortion alternatives but the Oakland officials [don't want him to continue](#).

Hoye had appeared outside the Family Planning Specialists abortion center until the city council approved an ordinance that targets the free speech rights of pro-life advocates.

It places a "bubble zone" in place within eight feet of women entering any local abortion business.

Attorneys from the Life Legal Defense Foundation, a pro-life legal group, challenged the law in court as an unconstitutional infringement on the First Amendment rights of Hoye and other pro-life advocates.

But, yesterday, federal district court judge Charles Breyer ruled the law constitutional and set the stage for an appeal and a battle at the Ninth Circuit Appeals Court.

In a 25-page memorandum opinion, Breyer held that the ordinance, which applies only outside abortion businesses, was not content- or viewpoint-based on its face. Breyer also ruled that the law is narrowly tailored, even though it prohibits someone giving a brochure on abortion alternatives to a woman entering an abortion center.

Mike Millen, an LLDF attorney, said he is very disappointed by the ruling and its free speech implications.

"Mark this day down," Millen told LifeNews.com. "On this day, a federal court judge ruled that it is constitutional to put someone in jail for a year for holding out a hand with a leaflet."

He said Breyer's ruling runs counter to Supreme Court decisions that have upheld First Amendment rights.

"The Supreme Court clearly wanted to leave at least that channel of communication open to speakers, but the federal district court blocked even that peaceful form of expression," he said.

Millen promised that his group would appeal the decision to the Ninth Circuit.

"While disappointing, this ruling is not entirely unexpected. The good news is that while San Francisco federal judges may be loathe to strike down clearly unconstitutional city ordinances, the Ninth Circuit has an admirable record of supporting free speech rights. We are optimistic that this wrong will be righted," he said.

Millen also told LifeNews.com that Breyer's decision is contradictory because it allows abortion advocates to violate the eight-foot bubble law. Breyer ruled that abortion business staff are merely "facilitating access" to the abortion center when they come in contact with women outside who are considering an abortion.

Millen also bashed Breyer for dismissing concerns about abortion center staff approaching Hoye outside an abortion center.

"The court disposed of the escorts' blocking of Rev. Hoyer by simply declaring, 'Of course, escorts also may not physically block demonstrators,' as if by merely saying so, the court had made the problem disappear," Millen told LifeNews.com.

Related web sites:

Life Legal Defense Foundation - <http://www.ildf.org>

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