

Ninth Circuit Panel Challenges “Mother May I” Law



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Christian Web News - During verbal argument on Pastor Walter Hoye's challenge to the constitutionality of the City of Oakland's “Mother May I” law restricting sidewalk counseling, Ninth Circuit justices Stephen Reinhardt and Marsha Berzon questioned the City's lawyers.



Justices strongly disagreed with the City, who said the law didn't apply to anything but speech intended to discourage women from having abortions.

Katie Short, LLDF Legal Director, and Michael Millen, volunteer attorney, filed suit on Pastor Hoye's behalf directly after the law passed in December 2007.

There were many aspects of the ordinance that the lawsuit challenged as unconstitutional – It's preference for pro-abortion speech over pro-life speech included. Not only that, but the suit also claimed that the active interference and blocking by clinic escorts turned the law's 8ft “buffer” around patients into a hopeless blockade to communication.

Federal district judge Charles Breyer, in August 2009, allowed summary judgment for the City and dismissed the

case. LLDF appealed to the Ninth Circuit Court of Appeals. The court heard arguments from both sides in a hearing on Oct. 8 lasting an hour.

"Katie Short did a great job of presenting our case, but it was the City's own admission of its true intentions that should make the justices' jobs very easy. Under the guise of 'facilitating access', the City gave carte blanche to any speech that encourages women to go into clinics, while punishing speech that merely suggested alternatives to abortion," Millen said.

The City even said that brochures handed out outside the clinic would need approval by police to make sure the law isn't being violated.

The Court of Appeals is expected to have a written decision in a matter of months.

[Click here](#) to download and listen to the audio recording of the arguments.

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