

9th Circuit rules for pro-life counselor

By Andy Lewis

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OAKLAND, Calif. (BP)--The Ninth Circuit Court of Appeals has unanimously ruled the city of Oakland, Calif., violated the freedom of speech of a Baptist man who does sidewalk counseling at abortion clinics.

A three-judge panel of the Ninth Circuit, which is widely considered the most liberal of the federal appeals courts, decided unanimously the city was discriminatory in its enforcement of a 2008 ordinance. The measure established an eight-foot "bubble" around women who were seeking to enter abortion clinics and required her permission before a person could step into the zone to speak to her or provide her with written information, the San Francisco Chronicle reported.

Oakland "has enforced the ordinance against anti-abortion speakers but not pro-abortion speakers," judge Marsha Berzon said in the panel's 3-0 opinion. Oakland's policy "unconstitutionally suppresses speech based on the content of its message," Berzon wrote.

The city policy had allowed clinic workers to shield the women as they walked into the clinic. But the court's ruling said that for the policy to be constitutional, it must apply to the escorts, too.

Walter Hoye, an elder at Progressive Missionary Baptist Church in Berkeley, Calif., and the president of Issues4life Foundation, challenged the ordinance. From public sidewalks outside Oakland abortion clinics, Hoye offers help to women seeking abortions. He holds a sign that reads: "Jesus loves you and your baby. Let us help."

Clinic escorts sometimes surround Hoye, hold blank posters to block women from reading his sign and drown out his efforts to speak to women, according to Life Legal Defense Foundation (LLDF), which represents him in the case.

"In evaluating a constitutional challenge to a bubble law like this, courts will not turn a blind eye to the challenges facing pro-lifers in communicating their message, including when those challenges come from the bad behavior of clinic escorts," said Katie Short, LLDF's legal director.

The court issued its ruling July 28.

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